

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
FOR MONTGOMERY COUNTY

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PETITION OF SIENA LEARNING, LLC : Case No. S-2822  
d/b/a The Siena School : OZAH No. 12-11  
:  
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A hearing in the above-entitled matter was held on  
  
January 6, 2012, commencing at 9:41 a.m., at the Council  
  
Office Building, 100 Maryland Avenue, Rockville, Maryland  
  
20850 before:

Martin L. Grossman  
Hearing Examiner

**Deposition Services, Inc.**

12321 Middlebrook Road, Suite 210  
Germantown, MD 20874  
Tel: (301) 881-3344 Fax: (301) 881-3338  
info@DepositionServices.com www.DepositionServices.com

A P P E A R A N C E SON BEHALF OF THE PETITIONER:

Jody S. Kline, Esq.

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>
Margot Cook	20		
David Meininger	26		
Clay Kaufman	33		
Craig Hedberg, Expert	84		
Aaron Smith, Expert	96		
F. Thompson Wheeler, Expert	122	142	143

ALSO PRESENT:

Eric Heyer  
Tom Carr  
Martin Maher

E X H I B I T S

<u>EXHIBIT No.</u>		<u>MARKED/RECEIVED</u>
1-22	Premarked Exhibits	145
23	A/B Parking and Cuing Plans	49/145
24	Parks E-mail Re Parking	69/145
25	Resume of C. Hedberg	84/145
26	Resume of A. Smith	99/145
27	A-B Revised Site Plans	103/145
28	Revised Landscape Plan	104/145
29	Letter: Storm Water Management Plan	111/145
30	Resume of F.T. Wheeler	122/145
31	Letter: Building Height Calculation	135/145

1                                    P R O C E E D I N G S

2                    MR. GROSSMAN: This is a public hearing in the  
3 petition of Siena Learning, LLC, doing business as the Siena  
4 School, Board of Appeals number S-2822, OZAH number 12-11.  
5 Petition for a new private educational institution special  
6 exception to allow a private school ultimately for 225  
7 students and 55 employees.

8                    The property is located at 1300 Forest Glen Road,  
9 Silver Spring, Maryland on 2.7 acres in the R-60 zone. The  
10 special exception is sought pursuant to zoning code section  
11 59-G-2.19. Applicant also requests a waiver of section  
12 59-E-2.83 parking standards from the minimum parking setback  
13 requirements along the east side of the 1.23 acre Boys and  
14 Girls Club parcel.

15                   My name is Martin Grossman. I'm the hearing  
16 examiner, which means I will take evidence in this case, and  
17 write a report and recommendation to the Board of Appeals  
18 which will make the decision in the case. Will the parties  
19 identify themselves, please?

20                   MR. KLINE: Good morning. For the record my name  
21 is Jody Kline. I'm an attorney with the law firm of Miller,  
22 Miller and Canby with offices at 200-B Monroe Street here in  
23 Rockville, and I represent the petitioner Siena Learning,  
24 LLC.

25                   MR. GROSSMAN: I notice that we have a number of

1 people in the audience here. Is there anybody in the  
2 audience who wishes to be heard as a witness who is not  
3 being called by Mr. Kline? All right. Ma'am, you wish to  
4 be heard as a witness today?

5 MS. COOK: Yes.

6 MR. GROSSMAN: Would you state your name, please,  
7 and address?

8 MS. COOK: Margot Cook. 1603 Myrtle Road, Silver  
9 Spring 20902.

10 MR. GROSSMAN: Okay. Is the Margot spelled with a  
11 T at the end?

12 MS. COOK: With a T at the end and no E in Cook.

13 MR. GROSSMAN: Okay.

14 MS. COOK: Thank you.

15 MR. GROSSMAN: All right. And did you wish to be  
16 heard in support, in opposition, or just with concerns?

17 MS. COOK: In support.

18 MR. GROSSMAN: In support. Okay. Is there  
19 anybody else in the audience who wishes to be heard? Sir?

20 MR. MEININGER: My name is J. David Meininger,  
21 spelled, M-E-I-N-I-N-G-E-R.

22 MR. GROSSMAN: M-E-I-N --

23 MR. MEININGER: I-N-G-E-R.

24 MR. GROSSMAN: Okay. Meininger. Okay.

25 MR. MEININGER: I reside at 10123 Greenock,

1 spelled, G-R-E-E-N-O-C-K, Road, Silver Spring, Maryland  
2 20901.

3 MR. GROSSMAN: All right.

4 MR. MEININGER: And I am testifying in favor of  
5 the petitioner.

6 MR. GROSSMAN: Okay. Anybody else? Seeing no  
7 other hands, I take it we have no opposition here to testify  
8 today. There are two witnesses in support. And I presume  
9 Mr. Kline will be calling witnesses. Who are you calling,  
10 Mr. Kline?

11 MR. KLINE: Yes, Mr. Grossman. We have four  
12 witnesses, some substitutions for witnesses we had listed in  
13 our statement before.

14 MR. GROSSMAN: Okay.

15 MR. KLINE: The initial witness will be Mr. Clay  
16 Kaufman, K-A-U-F-M-A-N, representing the school itself.  
17 Mr. Aaron Smith, will be testifying as an expert in civil  
18 engineering.

19 MR. GROSSMAN: All right. So he's in lieu of Max  
20 Cantor?

21 MR. KLINE: That's correct.

22 MR. GROSSMAN: All right. I'm sorry. What's  
23 Aaron's last name?

24 MR. KLINE: Aaron Smith. The architect, the  
25 expert architect we'd like to offer is Mr. Tom Wheeler, who

1 I think is, I can't remember if I put in Mr. Spack's name or  
2 Mr. Spack and/or Mr. Wheeler. But Mr. Wheeler will be  
3 testifying as our architectural witness.

4 MR. GROSSMAN: Right. You had listed Mr. Spack.

5 MR. KLINE: And Mr. Craig Hedberg, who needs no  
6 introduction.

7 MR. GROSSMAN: No, he doesn't. But I noticed you  
8 listed the poor man last again.

9 MR. KLINE: Well, actually, I think you'll hear  
10 from him earlier today. I'm going to estimate,  
11 Mr. Grossman, probably three and a half to four hours. And  
12 I did offer to the folks who came early that I would suspend  
13 our presentation after our initial discussions to let them  
14 speak, if you'd like us to do that.

15 MR. GROSSMAN: Certainly. I think that usually we  
16 have permitted citizens who come to testify, and if the  
17 applicant is agreeable, we'll take them out of order for  
18 their convenience. You're certainly welcome, if you  
19 testify, you can testify in the normal order, which would be  
20 after the applicant's case, or beforehand. And you are  
21 certainly welcome, either way, to stay the whole time and  
22 participate in the proceedings. All right.

23 Let me explain a little bit about the nature of  
24 the proceedings here. This is a petition for a special  
25 exception, and a special exception is a use that's

1     conditionally permitted.  It's not a variance from the  
2     statute, the zoning ordinance.  It is actually a use that is  
3     permitted if certain conditions are met, both special  
4     conditions that are specified for this particular type of  
5     special exception, private educational institution, and  
6     general conditions that are specified for almost all special  
7     exceptions.

8                 We conduct the proceedings pretty much the way you  
9     would see a courtroom conducted.  Witnesses are sworn in.  
10    They are subject to cross-examination.  There is a court  
11    reporter who takes everything down.  There will be a  
12    transcript of the proceedings.  And it's done in a more or  
13    less orderly fashion, the way you see in a courtroom, but a  
14    little bit less formal than a courtroom, however.  The rules  
15    of evidence are similar but not identical.  Okay.

16                I have a few preliminary matters.  Please submit  
17    electronic copies of any revised plans or submissions that  
18    may be, that may come up at the hearing, Mr. Kline.  I  
19    wanted to disclose, my wife teaches at another private  
20    school in the County, that is the Norwood School.  If anyone  
21    feels this creates a conflict, please state an objection,  
22    now.  Mr. Kline?

23                MR. KLINE:  I will say that Mr. Kaufman had a  
24    conversation with Mr. Ewing last night, and your name came  
25    up, and we have no objection to you participating.

1           MR. GROSSMAN: For the record, Mr. Ewing is the  
2 headmaster at the Norwood School. All right. Let me  
3 mention, I made some corrections to the staff report, the  
4 technical staff report.

5           We get a report from the technical staff of the  
6 Maryland National Capital Park and Planning Commission. And  
7 we usually just call them the technical staff. They  
8 indicated that there were corrections to be made in their  
9 report, which is Exhibit 17 in this case. And I actually  
10 made those corrections directly in the formal file copy,  
11 Mr. Kline. But there were a couple I didn't mention on the  
12 front page, page one, that I made.

13           They listed the acreage, the leased area, from the  
14 M-NCPPC as 1.25 acres. I think it's, let's see, it's 2.5  
15 acres. It's actually 1.5 acres, if I understand correctly.

16           MR. KLINE: Yes.

17           MR. GROSSMAN: So I made that change on the front.  
18 It's 1.2 acres from the Boys and Girls Club, and 1.5 acres  
19 from M-NCPPC. Also, they listed the date of the hearing  
20 here as 1/5/2011. I corrected it to 1/6/2012, also on page  
21 one.

22           They indicated corrections on page seven, and  
23 they, I have made that correction in page seven in the staff  
24 report in the first sentence under environmental planning,  
25 corrected page. And I made that correction.



1           And then the attachment six, which was the  
2   transportation staff's report, was also amended. And I put  
3   in the amended report so that the actual report in the file  
4   reflects the corrections. Okay.

5           Now, technical staff also recommended revision to  
6   the landscape plan, additional lighting, a transportation  
7   management plan, and other particulars amounting to a  
8   revised statement of operations. Has anything like that  
9   been filed? I didn't see anything additional filed in  
10   response to that.

11           MR. KLINE: I'm confusing it possibly with  
12   Fairland Animal Clinic. No, sir. The answer is no. We did  
13   not submit an amended statement of operations. I was  
14   planning on addressing all those issues as part of the  
15   testimony. But they can be incorporated in an amended  
16   statement, if you'd like that to be done also.

17           MR. GROSSMAN: Yes, I think you need something  
18   which states with greater particularity the special events.  
19   If you want to see samples that we have had in relatively  
20   recent private educational institution cases, Norbeck  
21   School, check that report online S-2802, and the German  
22   School modification report, CBA-2684-C. And that, which  
23   also has a transportation management plan. I notice you  
24   don't have a transportation management plan, and that was  
25   being recommended here.

1           MR. KLINE: The answer is yes, we do not have one.  
2 We haven't developed that yet. I didn't realize that it was  
3 expected to be part of the testimony today. Certainly, our  
4 testimony will cover how we're going to operate it, but I  
5 thought that would be something that would be submitted  
6 after to Park and Planning.

7           MR. GROSSMAN: Well, usually it's part of the  
8 special exception process so that --

9           MR. KLINE: Okay. All right. I will say, the  
10 staff didn't leave me with that impression that it was  
11 something that they needed to have before they or you go  
12 ahead and decide the case.

13          MR. GROSSMAN: Well it effects, the reason it  
14 would be part of the special exception process is, I presume  
15 you are going to need subdivision here?

16          MR. KLINE: Actually, we don't.

17          MR. GROSSMAN: You don't. Okay. So no  
18 subdivision.

19          MR. KLINE: Because we are a platted property.

20          MR. GROSSMAN: Especially if you don't have  
21 subdivision, but even if you do have subdivision, the  
22 transportation management plan affects compatibility with  
23 the surroundings, and is usually a big issue.

24          MR. KLINE: I understand. Sure.

25          MR. GROSSMAN: And that's why it's -- you know,

1   you don't have any opposition here, so we may get away with  
2   not having a second hearing date. If you had opposition  
3   here, we'd obviously have to have --

4               MR. KLINE: Sure.

5               MR. GROSSMAN: -- a second hearing date after that  
6   for them to evaluate it. As it is, once it's submitted to  
7   technical staff and to our office at the same time --

8               MR. KLINE: I understand.

9               MR. GROSSMAN: -- we'll have to have a certain  
10   number of days for people to review it and make any comments  
11   they might wish to make.

12              MR. KLINE: Sure. I understand.

13              MR. GROSSMAN: If that requires an additional  
14   hearing, then we'll have to have it.

15              MR. KLINE: Okay.

16              MR. GROSSMAN: But we hope not. Okay. And as to  
17   special events, usually they are specified in terms of the  
18   nature of the event, the frequency, when it occurs, the  
19   number of participants and cars that are expected and how  
20   they would be handled on a particular, for a particular  
21   event.

22              MR. KLINE: The Norbeck School and German School  
23   references were for the traffic management plan?

24              MR. GROSSMAN: Actually, German School had a  
25   traffic management plan. I don't recall. I don't think that

1 Norbeck School did, but they had, they also had a statement  
2 of operations that you could take a look at. It was little  
3 bit less extensive than the one for German School. But  
4 German School had a very extensive one.

5 MR. KLINE: Sure. Norbeck School was Ms. Carter's  
6 case before you, the Norbeck Montessori?

7 MR. GROSSMAN: It's Norbeck Montessori. I'm not  
8 sure whether it was Ms. Carter. I can't recall.

9 MR. KLINE: Okay.

10 MR. GROSSMAN: Okay. But they're all online on  
11 our website.

12 MR. KLINE: Sure. Well, we certainly have the  
13 traffic management program for other schools. It will just  
14 be a matter of getting it done quickly then.

15 MR. GROSSMAN: All right. You also need to have  
16 some of your witnesses explain exactly how the timing is  
17 going to work out --

18 MR. KLINE: Yes. Right.

19 MR. GROSSMAN: -- in conjunction with the two  
20 entities sharing this property, as long as they're sharing  
21 the property. I wasn't quite sure how exactly that was set  
22 up.

23 MR. KLINE: Yes. We're familiar with the Board's  
24 transmittal letter to you explaining. We wanted to make  
25 sure we got it straight here with you. Yes, sir.

1           MR. GROSSMAN: And are there any other preliminary  
2 or procedural matters?

3           MR. KLINE: I would say this. I went down to have  
4 the affidavit of posting signed and unfortunately, we don't  
5 have a notary at the Board of Appeals today. So what I  
6 would like to do is, when we take a break, I'll take  
7 Mr. Kaufman over to my office and have it signed and  
8 notarized there, and put it into the record. So you'll have  
9 it today. I'm just not sure you'll have it during our  
10 meeting today.

11           And the other things I was going to say is, just a  
12 little bit of an explanation. And this is by way of my  
13 opening statement, if you're okay with that.

14           MR. GROSSMAN: All right. Certainly. Sure.

15           MR. KLINE: One, I'm not really sure that we  
16 needed a parking waiver, because it's this unusual situation  
17 of having, because of the lease line and the lot line --

18           MR. GROSSMAN: Right.

19           MR. KLINE: -- having parking up against a  
20 property line, but still within the larger parameter or  
21 perimeter of the special exception.

22           MR. GROSSMAN: Right. That same thought occurred  
23 to me. I wasn't sure, given that you are going to be  
24 leasing the property adjacent to it, I'm not sure that you  
25 require a waiver along the parking line. But there

1    shouldn't be much of a dispute about it, given those  
2    circumstances.

3               MR. KLINE:   Right.   Well, because timing is  
4    critical to us in this case, it was easier to accede to  
5    Ms. Kamen's suggestion than it was to argue about it.

6               MR. GROSSMAN:   Right.

7               MR. KLINE:   Because then we would have possibly  
8    lost our hearing date.   And that was going to be fatal to  
9    us.   So we've applied for it.   We'll present why we can  
10   satisfy it.   But I'm not sure, legally, it was actually  
11   essential to the application.

12              MR. GROSSMAN:   Okay.   And why is the timing so  
13   critical in your case?   You used the word fatal.

14              MR. KLINE:   Just so you get the deep background.  
15   The school plans to occupy the space itself on September 1st  
16   of 2012.   And every day that we can be in construction  
17   between now and then we need.   So we've been doing a lot of  
18   things maybe a little differently than we normally would,  
19   simply to be able to keep the date and be able to get into  
20   construction as quickly as possible.

21              MR. GROSSMAN:   Okay.   That is for the initial  
22   renovation as you mentioned in the papers?

23              MR. KLINE:   Yes, sir.   Yes, sir.

24              MR. GROSSMAN:   Okay.

25              MR. KLINE:   No new construction externally, just

1 internally. And the other thing I was going to say, just so  
2 you understand kind of my theory about how we handle the  
3 Boys and Girls Club, you probably picked up from the  
4 application, actually I should ask, have you had chance to  
5 make a site visit yet?

6 MR. GROSSMAN: No.

7 MR. KLINE: Okay.

8 MR. GROSSMAN: Well, I'm familiar, let me say I'm  
9 familiar with the area --

10 MR. KLINE: Sure.

11 MR. GROSSMAN: -- since I have occasionally gone  
12 and --

13 MR. KLINE: Gone to the hospital?

14 MR. GROSSMAN: -- hit golf balls at Sligo Creek  
15 Park.

16 MR. KLINE: Okay.

17 MR. GROSSMAN: And in fact, probably some of my  
18 hits have ended up in your back yard there.

19 MR. KLINE: Well, the only reason I ask that is  
20 because people will be more specific when they answer  
21 questions. If you've been there, they would probably be a  
22 little looser in their answers.

23 MR. GROSSMAN: Right.

24 MR. KLINE: But the Boys and Girls Club today has  
25 a special exception as a private club. And so we had two

1 options. One was to preserve that special exception and  
2 overlay the school over it, or to basically extinguish the  
3 Boys and Girls Club and incorporate it into our special  
4 exception under the other uses that are permitted with  
5 schools. And Mr. Kaufman will testify, we meet all those  
6 criteria.

7           So we ended up taking the latter course of action.  
8 And I just wanted to explain, that's how we did it.  
9 Eventually, when this is all hopefully granted, and Boys and  
10 Girls Club, I will write the Board of Appeals and they can  
11 extinguish the Boys and Girls Club special exception, but it  
12 does have two representatives here today, just to make sure  
13 we do this right because they want to be there as long as  
14 they need to be there.

15           MR. GROSSMAN: All right.

16           MR. KLINE: So that's just my explanation why we  
17 handled that part of it. We don't have a land use planner  
18 on this case. I know that was an issue in the case I had  
19 with you a couple of weeks ago.

20           MR. GROSSMAN: Right.

21           MR. KLINE: We do adopt the staff's recommendation  
22 of the neighborhood and I think our testimony will talk  
23 about how the impact is really concentrated within that  
24 area. And the conditions are all acceptable to the  
25 applicant, but for the changes you've made, and the one that



1 we're going to talk about, condition number 13, about ADA  
2 compatibility. We believe that's all satisfied by the  
3 design changes.

4 MR. GROSSMAN: All right. Well, I don't have any  
5 preconception as to whether one is needed in this case. In  
6 your other case we had that wrinkle of whether or not there  
7 was compatibility given the --

8 MR. KLINE: Yes.

9 MR. GROSSMAN: -- what we thought the statute said  
10 when there was a mis-codification in the statute. So that  
11 had created an issue in my mind. You may well be okay  
12 without one here. I'm not prejudging that.

13 MR. KLINE: Could I ask for one more thing?

14 MR. GROSSMAN: Certainly.

15 MR. KLINE: I didn't think about it until you  
16 mentioned the exhibit list, but normally there's a pile on  
17 the table, and I didn't see one when I came in. Could I  
18 take a moment and go next door and get one from your staff?

19 MR. GROSSMAN: Absolutely.

20 MR. KLINE: Okay. Be right back.

21 MR. GROSSMAN: Sure.

22 (Discussion off the record.)

23 MR. KLINE: Mr. Grossman, but for drawing your  
24 attention to Exhibit number 10, the zoning vicinity map,  
25 which is posted on the board over there, I really don't have

1 much of an opening statement other than to just refresh your  
2 memory from your recreational outings in the neighborhood.  
3 And the property owned by the Boys and Girls Club, which is  
4 under contract to Siena Learning, LLC or Inc., rather, is  
5 the hard line red area of the box. And then the cross-  
6 hatched area around it is the proximate location of the  
7 lease area from Maryland National Capital Park and Planning  
8 Commission.

9 MR. GROSSMAN: I can't recall, are the same  
10 markings on Exhibit 10 in the file?

11 MR. KLINE: Yes. What is posted is identical to  
12 what you should have in your case file. And while you're  
13 doing that, just by deep background, I guess, because it  
14 does kind of explain some of the other twists in this case,  
15 the building height issue that comes up also, is the  
16 property was acquired by Boys and Girls Club from Park and  
17 Planning Commission originally.

18 And that's why there was always such a general  
19 understanding from the mid-fifties. There was no lease  
20 arrangement for the parking that exists today on there.  
21 Looking at Exhibit number 10 on the right hand side where  
22 there is a notation that says, Beattie Drive.

23 MR. GROSSMAN: Yes.

24 MR. KLINE: That's the access on the property.  
25 That's over Park and Planning's land, and that's existed on

1 a handshake deal since 1955. And basically, this  
2 application caused everybody to kind of tighten everything  
3 up to do that.

4 MR. GROSSMAN: You had mentioned to me that there  
5 was potentially a height issue in the case. Has that been  
6 resolved now?

7 MR. KLINE: Yes. We'll be putting on testimony as  
8 to why it's been satisfied.

9 MR. GROSSMAN: Okay.

10 MR. KLINE: Well, let me put it this way; an  
11 explanation why the existing building got its original  
12 building permit, and a letter from the Department of  
13 Permitting Services indicating in the future they will treat  
14 Beattie Drive/Omaha Beach Drive as a street for purposes of  
15 height measurement.

16 MR. GROSSMAN: All right.

17 MR. KLINE: Having said all that, that's all I  
18 have by way of an opening statement, and I'm glad to call my  
19 first witness, if you're poised to do so.

20 MR. GROSSMAN: Should we first invite Margot  
21 Cook --

22 MR. KLINE: Yes.

23 MR. GROSSMAN: -- to take the stand.

24 MR. KLINE: All right. Sure.

25 MR. GROSSMAN: Ms. Cook.

1 MS. COOK: Sorry. Do I have to give my name and  
2 everything again?

3 MR. GROSSMAN: Yes, please. For the record, state  
4 your name and --

5 MS. COOK: Okay. Margot Cook. 1603 Myrtle Road,  
6 Silver Spring, Maryland 20902.

7 MR. GROSSMAN: And Ms. Cook, would you raise your  
8 right hand, please?

9 (Witness sworn.)

10 MR. GROSSMAN: All right. You may proceed.

11 STATEMENT OF MARGOT COOK

12 THE WITNESS: Well, I don't think I was eligible,  
13 I think Boys and Girls Club came after our moving into that  
14 neighborhood because we moved in 1950. And things have  
15 changed enormously since then.

16 MR. GROSSMAN: How close are you to the subject  
17 site?

18 THE WITNESS: I'm on the opposite side of Forest  
19 Glen Road, almost opposite the hospital.

20 MR. GROSSMAN: All right.

21 THE WITNESS: First road up.

22 MR. KLINE: Is this Myrtle there?

23 THE WITNESS: No, the next one. No. Turn. Go to  
24 Forest Glen.

25 MR. KLINE: Here's the hospital here. Here's the

1 hospital here, and here's Forest Glen.

2 THE WITNESS: Okay. Right where you're tip is,

3 you're going to parallel Forest Glen.

4 UNIDENTIFIED SPEAKER: Myrtle is the first street

5 up --

6 MR. GROSSMAN: First street up.

7 UNIDENTIFIED SPEAKER: -- parallel to Forest Glen.

8 MR. KLINE: Parallel to Forest Glen.

9 MR. GROSSMAN: Yes. You're one higher, I think.

10 MR. KLINE: Okay. I see it now. Yes. Thank you.

11 MR. GROSSMAN: Okay. All right.

12 MR. KLINE: So this is Forest Grove Drive?

13 THE WITNESS: Yes. But we're --

14 MR. KLINE: Sure.

15 THE WITNESS: -- one house off of --

16 MR. KLINE: Off of Damar --

17 THE WITNESS: Dameron.

18 MR. KLINE: All right. So you'd be about here

19 then.

20 THE WITNESS: Yes.

21 MR. GROSSMAN: That gives me an idea. Thank you.

22 MR. KLINE: Lot 14.

23 THE WITNESS: I don't know which one. I just got

24 my assessment, but I didn't look at the lot number.

25 MR. KLINE: That wasn't the number you looked at,

1 I'm sure, on the assessment bill.

2 THE WITNESS: At any rate, we've seen a lot of  
3 changes in the neighborhood.

4 MR. GROSSMAN: Yes.

5 THE WITNESS: Some good, some bad. We have lots  
6 of people there now that didn't have -- or there are more  
7 people with children now than when I was growing up, but it  
8 was only partially developed at that point. There weren't  
9 more than five houses on our entire block.

10 But the Boys and Girls Club always has had a good  
11 reputation, and from our meetings with and observation of  
12 the members of Siena School, they have been very positive.  
13 One thing that's very noticeable in our neighborhood is that  
14 they use the Getty Park, which is just almost on Georgia  
15 Avenue, or at Georgia Avenue, two blocks or three blocks  
16 over from the school.

17 And the children seem to have a good time.  
18 They're also well behaved. I mean, they are just very  
19 pleasant and do what they're supposed to do, and not running  
20 all over the street. They stay within the normal bounds of  
21 travel or on pavement.

22 And we were asked on several occasions to come  
23 visit the school. And this was our association, Forest  
24 Grove, which is just north of Forest Glen and Northmont,  
25 which is the civic association to the south of Forest Glen.

1 And this all cuts off by the park. And then the one above  
2 us, Forest Estates, goes all the way to Debits Drive.

3 I must say, we did not have a great turnout for  
4 those presentations, but they were very impressive and they  
5 were given principally by the students from the school. And  
6 a couple of us kept saying, gee, I don't know, if I were 11  
7 or 12 I'm not sure that I could give that kind of a  
8 presentation in front of a group of adults. And especially  
9 for children who had language learning disabilities,  
10 specifically.

11 We also have a neighbor directly behind us who has  
12 a son, I think he's still there, I don't know if he's  
13 graduated from the school, and we've watched him with his  
14 experiments outside in the back yard, when he was trying  
15 different things. And I'm just really impressed to see,  
16 having been a teacher myself, you know, the kinds of things  
17 they seem to be achieving and doing with the students.

18 And there's a lot of need for special needs. And  
19 while some of these children are not extreme in needs, but  
20 they mostly have the language problems, but they are bright  
21 kids and deserve a good solid education which they seem to  
22 provide.

23 MR. GROSSMAN: All right. So your bottom line is  
24 that you're in favor of the special exception?

25 THE WITNESS: Definitely. Yes. This sounds like

1 a good match.

2 MR. GROSSMAN: All right. Mr. Kline, do you have  
3 any --

4 BY MR. KLINE:

5 Q Ms. Cook, my only question is, are you speaking as  
6 an individual, or you mentioned your homeowners association.  
7 Are you speaking on behalf of them?

8 A I'd say I could say that I just, January 1st,  
9 stepped down as president. But there's a letter in there  
10 from the current president, too.

11 MR. GROSSMAN: Thank you.

12 THE WITNESS: We've had meetings about this.

13 MR. KLINE: Thank you very much.

14 MR. GROSSMAN: When you say there's a letter in  
15 there, and you pointed to --

16 THE WITNESS: Oh, I believe you have received a  
17 letter from --

18 MR. GROSSMAN: I have not received a letter that  
19 I can recall.

20 MR. KLINE: We did submit some letters --

21 MR. GROSSMAN: When was that?

22 MR. KLINE: -- of support Mr. Grossman. It's  
23 Exhibit 16A from Mr. Moreau.

24 MR. GROSSMAN: I'm sorry. This is a filing that  
25 you made and attached the letters.



1 MR. KLINE: Yes.

2 MR. GROSSMAN: And I see that Ms. Cook signed that  
3 letter in support. Okay.

4 THE WITNESS: And Mike Moreau is listed on that  
5 list, and he's the current president.

6 MR. GROSSMAN: All right.

7 THE WITNESS: We're kind of all real happy with  
8 this situation, as compared to other ones that we've come  
9 across.

10 MR. GROSSMAN: All right.

11 THE WITNESS: And I'm sure you know that.

12 MR. GROSSMAN: Thank you, Ms. Cook.

13 THE WITNESS: Okay. Thank you.

14 MR. GROSSMAN: You're welcome, as I say, to stay  
15 and if you have any questions of the witnesses who testify,  
16 speak up, and we'll let you ask those questions of the  
17 witnesses.

18 THE WITNESS: Okay. Thank you.

19 MR. GROSSMAN: All right, then. Mr. Meininger,  
20 would you step forward, please.

21 MR. MEININGER: Good morning.

22 MR. GROSSMAN: Good morning.

23 MR. MEININGER: My name is J, as in the initial  
24 for John, middle name David, last name Meininger, spelled --

25 MR. GROSSMAN: Meininger. Sorry.

1 MR. MEININGER: -- M-E-I-N-I-N-G-E-R.

2 MR. GROSSMAN: It didn't take me very long to  
3 mispronounce it, did it? Mr. Meininger, would you raise  
4 your right hand, please?

5 (Witness sworn.)

6 MR. GROSSMAN: All right. You may proceed.

7 STATEMENT OF J. DAVID MEININGER

8 THE WITNESS: Thank you, sir. Our bottom line in  
9 my neighborhood which is South Four Corners bounded by  
10 Forest Glen Road, Penbrook, Dennis Avenue, and University  
11 Boulevard. I reside at Greenock Road, Upper Greenock, as I  
12 refer to it, yet I pass by the Boys and Girls Club on a  
13 daily basis using Forest Glen Road.

14 My testimony will not be about the students. It  
15 will be more about the leadership of the school. I was  
16 impressed that Mr. Kaufman reached out to our civic  
17 association, South Four Corners Civic Association, early in  
18 2011, and made us aware of his plan for the school, and the  
19 school's plan, and has had subsequent meetings with the  
20 civic association at its meetings. And I personally have  
21 also had a one-on-one meeting with Mr. Kaufman.

22 The issues for my neighborhood concerning the Boys  
23 and Girls Club have been the nighttime events which have  
24 required parking beyond the current parking lot's  
25 capability. That parking has overflowed into the

1 neighborhood bordered by Forest Glen and Penbrook.

2           The overall feeling is that it is unfortunate that  
3 people who are attending these nighttime events are not  
4 considerate of the neighbor's ability to get in and out of  
5 their parking lots. There has been public urination, as  
6 well as an accumulation of trash. This has required,  
7 several times, of involving the Montgomery County Police to  
8 make things more orderly.

9           It is my expectation from the meetings with  
10 Mr. Kaufman, that in the event of nighttime activity, there  
11 will be none of the cars associated with activities, that  
12 activity, being parked in our community.

13           I was pleased to hear that he has made an  
14 arrangement with the Maryland National Capital Park and  
15 Planning Commission to use the parking lot of the Margaret  
16 Schweinhaut Senior Citizen facility, and possibly Argyle  
17 Park. That was very encouraging.

18           He has made a definitive statement, none of our  
19 cars will park in your neighborhood. We find that  
20 encouraging, and we will hold him to that expectation that  
21 he has set.

22           On the issue, other issues of transportation,  
23 Forest Glen is a busy thoroughfare in both directions, to  
24 Sligo Creek Park, and away from Sligo Creek Park. The  
25 intersection that allows parking to go to and from the Boys

1 and Girls Club, can be disruptive. And there is a  
2 procession of moms and dads. There are Montgomery County  
3 school buses coming and going, both at the beginning and the  
4 ending of school.

5 We are encouraged, also, that Mr. Kaufman has a  
6 parking plan that would include the use of the Ride-On bus  
7 from Forest Glen metro station, the ability of the students  
8 to walk about three-quarters of a mile further than where  
9 they care currently housed at the church at the intersection  
10 of Forest Glen and Georgia Avenue.

11 The also have a van pooling process, and their car  
12 pooling expectation is that their cuing of cars coming and  
13 going will not impede the traffic on Forest Glen.

14 We're also encouraged that one of the first phases  
15 that the Siena School will be doing will be relining the  
16 existing parking lot to incorporate more parking spaces.

17 As I mentioned, the nighttime activities have been  
18 an issue with our community and Boys and Girls Club. And as  
19 I mentioned, they will be using the parking area of the  
20 Margaret Schweinhart Center.

21 Our hope is that on days of poor weather, they  
22 will use their shuttle bus to move back and forth those who  
23 will be attending the nighttime activities at the Boys -- at  
24 the Siena School, back-to-school night, et cetera.

25 We also have the expectation of concluding that

1 the Siena School will purchase and occupy the current Boys  
2 and Girls Club building, that -- excuse me. I think I lost  
3 my thought. That they will be able to use their pool, their  
4 van pool for moving traffic back and forth, therefore not  
5 putting the pedestrians at risk. Only one side of Forest  
6 Glen is with sidewalk.

7           An appropriate crosswalk would allow for, would  
8 require crossing Forest Glen at least twice, if you're a  
9 walker. If the weather is good, they can walk the field at  
10 Argyle Park, down some steps, and they're at the facility.

11           We understand that Siena's growth plans are driven  
12 by student enrollment. We have had discussions concerning  
13 the upper end number of students, the 225 student count, and  
14 the 55 staff. Our expectations are that this may or may not  
15 happen, depending on the growth of their student body. I  
16 think we have reconciled that we are amenable to these  
17 numbers, and do expect that as those number increase, and as  
18 their construction phases are brought into place, they will  
19 continue their open and candid discussion of the civic  
20 association.

21           So it's for the record I am, in fact, the elected  
22 president of the South Four Corners Civic Association.  
23 Unfortunately, I do not talk for that civic association. I  
24 talk for myself as an individual.

25           I mention this only because I want to impress upon

1    you that I have the ears of the community, that I'm hearing  
2    their comments and their concerns, and I hope I have  
3    prefaced that in this well.

4               Overall, we feel, based on the expectation of  
5    Siena School taking possession of the building and occupying  
6    it as a school, that it is evidently, and I think  
7    intelligently, dependent upon a special exception being  
8    granted.

9               And we feel the Siena School, myself and what I am  
10   hearing from my neighbors, that we feel that Siena School  
11   will be a preferred neighbor. They will, in fact, be in the  
12   borders of our community, and therefore our neighbors.  
13   Based on the expectations that have been given to us by Clay  
14   Kaufman and the management team of the Siena School, we are  
15   in favor of the special exception and I must tell you, I  
16   speak for myself as an individual, but would like to impress  
17   upon you that I have the ears of the community.

18              MR. GROSSMAN:  Has the South Four Corners Civic  
19   Association itself taken a position?

20              THE WITNESS:  It has chosen not to, and the reason  
21   for it is that we have an ongoing issue with a developer  
22   that wishes to develop a property at Brunette and University  
23   Boulevard into a daycare center. And we are opposing that.  
24   We did not want to have a potential conflict and give the  
25   developer an impression that we were targeting him and not

1 the Siena School, and, you know, opposite opinions. We are  
2 opposed to the daycare center. We are in favor of the Siena  
3 School.

4 MR. GROSSMAN: Right. I take it that, from  
5 hearing your testimony, that your chief concerns relate to  
6 traffic and parking?

7 THE WITNESS: That is correct.

8 MR. GROSSMAN: Okay.

9 THE WITNESS: And if I might add, management of  
10 nighttime activity.

11 MR. GROSSMAN: All right. Now, I don't see  
12 recommended by the technical staff a specific condition  
13 regarding the parking, other than to develop the parking  
14 plan, that you suggested you were going to hold Mr. Kaufman  
15 to.

16 And usually when a special exception holder is  
17 going to be held to something we have a condition specified  
18 in the, well, we recommend a condition and the Board of  
19 Appeals usually will adopt a condition that will exercise  
20 that control in a more direct way so that it can be  
21 enforceable, rather than just by public feeling, by law  
22 enforcement.

23 So I would ask that you, since the transportation  
24 management plan has not yet been devised, that you discuss  
25 with Mr. Kline and Mr. Kline with you, what would be an

1 appropriate condition or conditions that could be  
2 recommended to the Board of Appeals to make sure that  
3 parking does not interfere with your neighborhood's  
4 operations.

5 And so that would be part of the submittal that  
6 would come in to me before the record is closed in this  
7 case, so that the Board of Appeals can make an appropriate  
8 decision and impose appropriate conditions. So Mr. Kline,  
9 are you agreeable to doing that with Mr. Meininger?

10 MR. KLINE: Of course.

11 MR. GROSSMAN: Okay. All right. Did you have any  
12 questions of Mr. Meininger?

13 MR. KLINE: No, sir.

14 THE WITNESS: Thank you, Mr. Kline.

15 MR. GROSSMAN: Thank you, sir.

16 THE WITNESS: Thank you, Mr. Grossman.

17 MR. GROSSMAN: I appreciate you coming down here.

18 And once again, the same invitation I gave to Ms. Cook,  
19 you're certainly welcome to stay here throughout the entire  
20 proceedings. And in fact, if you or Ms. Cook wish to sit at  
21 counsel table, you can do so, and question any of the  
22 witnesses who testify. Would you like to do that or would  
23 you like to sit in the audience? What's your preference?

24 MR. MEININGER: I believe I'll sit in the  
25 audience.



1           MR. GROSSMAN: In the audience. Okay. Now, if  
2 you have a question that you want to ask, let me know and we  
3 can make sure that it gets asked.

4           MR. MEININGER: Thank you, sir.

5           MR. GROSSMAN: All right. Thank you. All right.  
6 Mr. Kline, your first witness.

7           MR. KLINE: Mr. Kaufman.

8           MR. GROSSMAN: State your full name, please, sir?

9           MR. KAUFMAN: My name is Clay Kaufman. I'm one of  
10 the two heads of school of the Siena School at 9727 Georgia  
11 Avenue, Silver Spring, Maryland.

12           MR. GROSSMAN: Mr. Kaufman, would you raise your  
13 right hand, please?

14           (Witness sworn.)

15           MR. GROSSMAN: All right. You may proceed.

16                           DIRECT EXAMINATION

17           BY MR. KLINE:

18           Q     Well, after that glowing introduction, I'm not  
19 sure that I need to ask you very many questions. But first  
20 of all, as a representative speaking for the school, do the  
21 conditions that are recommended by the staff and the  
22 Planning Board to the hearing examiner, are they acceptable  
23 to the school, but for the ones that we are going to be  
24 discussing with the hearing examiner today?

25           A     Yes. The conditions as written are acceptable to

1 the school.

2 Q I understand that we don't have any opposition,  
3 but it's probably good for the hearing examiner to know a  
4 little bit about the background of the school. Just give us  
5 an overview of how you got created, what's your mission?

6 A Sure. The founder of the school founded the  
7 school in 2006. He has a business background and talked to  
8 a number, he's been involved in the founding of other  
9 schools, charter schools in the New York and Philadelphia  
10 area. And when he moved down to D.C., talked to many  
11 parents and educators, psychologists about what kind of need  
12 for a school there was in this area. And there really is  
13 not another school in Montgomery County or in D.C. that does  
14 what we do, educating bright college bound students with  
15 mild to moderate language-based learning differences.

16 These are kids who are very bright. Dyslexia is  
17 the most common one people have heard of. These are kids  
18 who have reading and writing troubles. They are very  
19 bright. They are very capable.

20 But often in big public school classes where it's  
21 mostly lecture driven and language driven, the students fall  
22 behind because they only get about 60 percent of the words  
23 that are coming at them. And then they do poorly in school,  
24 and teachers start assuming that either they are not that  
25 bright or they are just not working hard, whereas they are

1 actually working twice as hard as other kids.

2           So we created this school with 15 students in 2006  
3 as a school specifically for this kind of student, with a  
4 curriculum that was multi-sensory. The kids are very strong  
5 in the arts, so we integrate art into the curriculum in  
6 every subject. They're very good experiential learners, and  
7 so we take field trips every month. We bring in guest  
8 speakers, have hands on activities, small classes, about 10  
9 students in a classroom, and very specific reading and  
10 writing instruction, very specific multi-sensory approaches  
11 that really help these kids learn.

12           Most of that is just good teaching, and I think  
13 all kids can benefit from that approach, but our students  
14 specifically need that kind of approach. And so we've had a  
15 pretty dramatic effect on the students that we have so far.  
16 We have 78 students currently, and in grades four through  
17 12. And coming from public and private schools where they  
18 just haven't gotten the kind of specific interventions and  
19 strategies that they need.

20           We've had two classes of seniors graduate and go  
21 off to college, and they are doing very, very well. So we  
22 are pleased with the program so far. We would like the  
23 opportunity to be able to serve more students. We're  
24 currently in the Montgomery Hills Baptist Church, which has  
25 been a wonderful partner for us.

1           Q     And show, point out where it's located.

2           A     Right on the corner of Forest Glen Road and  
3     Georgia Avenue, right across the street from the metro.  
4     It's been a very convenient location for us. We are in the  
5     neighborhood that we are expecting to remain in, and, but  
6     we're bursting at the seams.

7                     We've taken a few more classrooms each year from  
8     the church, and we're really at the maximum that they have  
9     for us. So we really can't squeeze in anymore students then  
10    we've got there at this point. And so, again, we'd like to  
11    make this kind of education available to students who really  
12    need it.

13                    We have a very strong financial aid program,  
14    comparable with most of the schools in the city, despite our  
15    young youth, in terms of the years we've been around.

16          Q     You've been looking for a period of time for  
17    relocation?

18          A     We've been looking for quite some time, despite  
19    the economic downturn, we've been growing substantially each  
20    year. And so we've been, we looked at the Warner Mansion  
21    over in Kensington, and we're actually very serious about  
22    that, put together our team, architectural team, and so on,  
23    and were in the running for that. And the County decided to  
24    keep that for its own staff.

25                    But we began looking around all over the area.

1 One, we needed a gym. We needed playing fields. We wanted  
2 to be close to the metro. And we wanted to be close to the  
3 beltway. And then now we're actually here because Bob  
4 Debernardis in the County Executive's office called us up  
5 one day and said, I've been talking to Boys and Girls Club.  
6 Their building is more or less empty during the day. This  
7 might be a great partnership for you guys. And so he  
8 steered us towards this building.

9 And it met all of our criteria, despite the fact  
10 that our advisors who were helping us look for a location  
11 said, you're never going to get all four, you'll be lucky if  
12 you get two of the four things you're looking for.

13 A number of our kids and our teachers already walk  
14 from the metro, and walk from the neighborhood, so it's just  
15 incredibly fortuitous that this property came available at  
16 the time.

17 Q Go back and explain the reference from  
18 Mr. Debernardis and kind of the complementary nature of Boys  
19 and Girls long term plans, and your long term plans.

20 A Sure. So Boys and Girls Club has been operating  
21 there for quite a number of years, an after school program,  
22 primarily, a small before school program. So more of their  
23 students are coming from other neighborhoods, whereas they  
24 used to come almost exclusively from this neighborhood. So  
25 more of their kids come from Langley Park and downtown

1 Silver Spring, is our understanding, from what they've told  
2 us. And so ultimately they're looking to be in the location  
3 that might serve their students more closely, be a  
4 neighborhood location.

5           So over the next eight years, however, we've  
6 negotiated a contract where they can remain for up to that  
7 long. And the programs are complementary. They run after  
8 school programs, primarily, programs primarily during the  
9 day. So it seemed to be a really great fit right from the  
10 beginning to make the best use of that facility without  
11 overloading it.

12           Q     And your rate of growth is essentially  
13 complementary with their reduction in scale of programs?

14           A     Well, respect that we have three phases, as you  
15 can see from the proposal. And in the first phase, we are  
16 growing a little bit from where we are now, but the second  
17 phase where we build over the pool will allow us to expand.  
18 But ultimately, by the time we get to phase three, we expect  
19 that that will be beyond the years when Boys and Girls Club  
20 will be gone.

21                 But the programs are still very complementary,  
22 because their students don't really arrive until our  
23 students leave. And so even in phase two, we don't expect  
24 that to be in overwhelming numbers. And the arrival and  
25 departure, actually, which we will get into, works out very

1 well. It dovetails very nicely.

2 Q You used a reference to phase one. So you  
3 remember the hearing examiner's earlier question. Let's get  
4 into a little bit more detail.

5 A Right.

6 Q So tell us what phase one means physically and  
7 operationally?

8 A Sure. So in phase one we will renovate the  
9 existing building only, interior. We will re-stripe the  
10 parking lot, but that is to remain as is. And we will, the  
11 gym will stay, and then the downstairs, basically, is  
12 several large open rooms. We will be converting that into  
13 classrooms. And that will allow us to fit 90 to 100 kids in  
14 there, depending on which grades they are in. But it will  
15 be just an interior renovation.

16 The mechanicals and the electrical all do not meet  
17 code, so that will all have to be upgraded. So it's  
18 basically rehabbing that entire building, and moving our  
19 entire school, grades four through 12, into that building.

20 Phase two will be determined by how our enrollment  
21 in these are going, and what kind of applications that we  
22 are seeing. And phase two would be taking the existing pool  
23 that's next to the building, digging that out, building a  
24 lower level, and then matching the number of stories of the  
25 existing building. And that would get us up to roughly 130-

1 140 students.

2 Those numbers have not been designed for us as a  
3 cap, but depending on exactly what they look like and how  
4 many classrooms we fit in, you know, that we would expect  
5 that's roughly the number of students that would get in.

6 MR. GROSSMAN: When would you expect to begin  
7 phase two?

8 THE WITNESS: It's unclear. We certainly couldn't  
9 do it in the first two or three years because we're going to  
10 be building back up our equity, and building our number of  
11 students in the school. So we are trying to remain  
12 flexible, given the economy, and given what other schools  
13 are going through, we feel very fortunate that we continue  
14 to grow, but it's unclear exactly what growth that we will  
15 have.

16 BY MR. KLINE:

17 Q Going back to your comment before, the building  
18 itself, the renovations you do in phase one, could probably  
19 accommodate up to 100, I understand from the architect, give  
20 or take, 110 kids, 11 per classroom, times 10 classrooms?

21 A Something like that.

22 Q Okay. So when we wrote down phase one, zero to  
23 90, you didn't mean for that to be a hard cap at 90. You'd  
24 like to be able to grow until you basically fill the  
25 building up?



1           A       Yes. Economically speaking, for a school, you  
2   want to be able to fill the seats that are available. And  
3   again, we have small classes and the classrooms are built of  
4   the size that can accommodate that number of students fairly  
5   easily. So, you know, we were not intending the 90 to be a  
6   hard cap, but the building can comfortably hold, you know,  
7   that capacity. We're not squeezing in 30 individual  
8   classrooms.

9                   MR. GROSSMAN: Refresh my recollection, Mr. Kline.  
10   Did the proposed conditions include that 90 as a hard cap?

11                  MR. KLINE: No, sir. No. No. Really, the only  
12   way it came up was in the transmittal from the Planning  
13   Board where the hearing examiner, I'm sorry, the chair read  
14   that we were limiting ourselves to not more than 90, and  
15   that the traffic study basically kind of did it that way,  
16   too. Mr. Hedberg will say, no, that's not quite correct.

17                  And I think what happened was, we misled or  
18   Ms. Kamen didn't quite understand that we had this, what I  
19   call 1A and 1B phases, and that there was going to be growth  
20   beyond the 90. But Mr. Hedberg will testify to you that  
21   when he did his traffic study, it's on a worst case basis  
22   for us, 225, and a worst case basis maximum boys and girls  
23   occupancy. And the transportation network still  
24   accommodates everything. And the school collaborated with  
25   Mr. Hedberg in preparing that.

1           MR. GROSSMAN: So that Ms. Carrier's suggestion in  
2 the Planning Board letter that that needs to be looked at  
3 again, you're saying it does not need to be looked at?

4           MR. KLINE: Well, no, I think it definitely needs  
5 to be clarified. We hadn't done it adequately for  
6 Ms. Kamen's benefit. And then I think the way she wrote up  
7 the report, Ms. Carrier thought it was basically a hard cap,  
8 and that wasn't our intention.

9           There probably is a practical cap at somewhere  
10 around 110. You can't get more than that in there under  
11 their programmatic requirements.

12          MR. GROSSMAN: But I think her concern addressed  
13 the traffic aspect. And you're telling me that the traffic  
14 study actually considers it at least up to that 110?

15          MR. KLINE: It's why I'm calling Mr. Hedberg as my  
16 second witness, because that seems to be the most important  
17 case in the -- or subject in the case.

18          MR. GROSSMAN: He's going to be hard to live with  
19 after this, if you do. He's so used to being the last  
20 witness.

21          MR. KLINE: So yes, that's what we want to  
22 communicate. There was a little bit of floating, and we  
23 were not as precise as we probably should have been so  
24 Ms. Kamen could understand it.

25          MR. GROSSMAN: All right. And specifically, how

1 does it, how do you interface with the Boys Club, Boys and  
2 Girls Club? Let's take it during phase one. How does that  
3 work?

4 THE WITNESS: Sure. So for the Boys and Girls  
5 Club, they have about 20 students in the morning for before  
6 care. So those students arrive by about 7:30 a.m. by car.  
7 They are then taken to school by just several buses that  
8 arrive in the morning over Forest Glen Road to pick up the  
9 kids, take them off to school. So that will happen, those  
10 school buses come somewhere around 8:45-9:00 to get those  
11 students off to school.

12 Our students arrive between 8:00 and 8:30, and we  
13 have carpooling, we have metro, and so on. So again, it  
14 dovetails nicely. There are not, there are no cars from  
15 Boys and Girls Club doing any kind of pickup in the morning  
16 when we are just starting our school.

17 MR. GROSSMAN: You say they will be picked up at  
18 the Boys and Girls Club, the children are picked up at the  
19 Boys and Girls -- do they live at the Boys and Girls Club?

20 THE WITNESS: No. They are dropped off by their  
21 parents at 7:30 for before care. And then the County school  
22 buses pick them up.

23 MR. GROSSMAN: I see. Okay.

24 THE WITNESS: So it's just several school buses  
25 that come pick them up and take them off to school from the

1 Boys and Girls Club in the morning.

2 MR. GROSSMAN: I see. And when does the before  
3 care begin?

4 BY MR. KLINE:

5 Q How about giving us those times again?

6 A 7:30 a.m.

7 MR. GROSSMAN: That's when the before care begins?  
8 I thought that's when they are picked up to be --

9 THE WITNESS: I'm sorry. That's when the before  
10 care begins.

11 MR. GROSSMAN: Okay.

12 THE WITNESS: So the students, the children are  
13 dropped off. About 20 students. It's a very small number  
14 are dropped off at 7:30 a.m. by their families. And then  
15 school buses take them to school, 8:40 to 9:00, in that  
16 range.

17 BY MR. KLINE:

18 Q And again, reiterate when your students are  
19 arriving?

20 A Our students arrive around 8:00 by metro, by,  
21 they'll be coming by Ride-On bus, by car pool.

22 MR. GROSSMAN: So isn't there an overlap there?  
23 If the children from the Boys and Girls Club are not picked  
24 up until 8:40, and your students are arriving at 8:00, isn't  
25 there an overlap?

1           THE WITNESS:   There is an overlap of students in  
2   the building, but not of cars arriving at the same time. I  
3   guess my point was that the Boys and Girls Club children are  
4   dropped off by their parents by 7:30. Whereas our children  
5   are not dropped off until between 8:00 and 8:30. So there  
6   won't be, for traffic purposes, there's not an overlap of  
7   cars coming in at the same time.

8           MR. GROSSMAN:   All right. I wonder if this is  
9   going to work out quite that way, but okay.

10          MR. KLINE:   Well, maybe that goes to the question  
11   of the traffic management. Are you asking us --

12          MR. GROSSMAN:   Right.

13          MR. KLINE:   -- how would we be managing the flow  
14   on the site?

15          MR. GROSSMAN:   Right. I mean, I think that you  
16   are going to have to specify in the traffic management plan  
17   on how, the details of how this is going to work in order  
18   to --

19          MR. KLINE:   Well, Mr. Hedberg has -- the answer is  
20   yes. Mr. Hedberg observed that on the existing, and has  
21   been stressing that that's important. So talk about how you  
22   would manage those ebbs and flows in traffic.

23          MR. GROSSMAN:   You're going to need to have  
24   monitors out there, obviously, making sure that you don't  
25   have kids in the streets and --

1                   THE WITNESS: We have a staff member outside the  
2 school every morning. When Siena students arrive, they  
3 arrive by car pool. They arrive by metro. They arrive,  
4 some of them arrive by Ride-On bus at the new campus. We  
5 have a staff member out in the driveway. We've set up the  
6 cuing so there is plenty of room. They've got double the  
7 length that we need to accommodate the students,  
8 particularly in, even in phase one. And we have roughly 90  
9 students or so. We have plenty of cuing length in order to  
10 have cars coming in.

11                   The Boys and Girls Club families are in a  
12 different situation. They need child care early in the day.  
13 So they need to get their children dropped off well before  
14 our kids even get there.

15                   MR. GROSSMAN: Right. No, I'm talking about the  
16 overlap time before the bus comes to pick them up, when your  
17 kids are arriving.

18                   THE WITNESS: Right. Right.

19                   MR. GROSSMAN: That seems to me to be an overlap.

20                   THE WITNESS: So the Boys and Girls Club's  
21 children will all be in their building, in their space that  
22 they are using. They will have already arrived. And now  
23 they will be, then from 8:00 to 8:30, our Siena students are  
24 now driving in. Boys and Girls kids have already arrived.  
25 They are in place.

1           Now you have the Siena School car pools arriving,  
2   and we have a monitor, a staff person out there every single  
3   morning. And the students, the parents cue up in their car  
4   pools, drop off to the staff member who is there, and they  
5   are lead into the building. By 8:30, 8:25, it's a case of  
6   everybody is there.

7           MR. GROSSMAN: And so where do the, now you have a  
8   double load of students because the 8:40 bus has not yet  
9   come to pick up the children from the Boys and Girls Club.

10          THE WITNESS: Well, there's only 20 students in  
11   the Boys and Girls Club morning program.

12          MR. GROSSMAN: Okay. So they are occupying the  
13   same space as you're occupying?

14          THE WITNESS: No, they have another room that they  
15   are, a room in the building that is designated for them.

16          MR. GROSSMAN: Okay. All right.

17          THE WITNESS: Separate from the Siena classrooms.  
18   The Siena School will occupy the lower level, and the gym is  
19   on the upper level, and the Boys and Girls Club have office  
20   space that we've given them, and then a big community room  
21   where their students will be in the morning.

22          MR. GROSSMAN: Okay. So the rest of the time  
23   during the day, do they --

24          THE WITNESS: Then their students are gone. They  
25   have some staff there. We have given them space where their

1 staff can be. And then in the afternoon, what happens is  
2 that some of the, a few of the high schools, the high  
3 schools get out earlier, as you know --

4 MR. GROSSMAN: Right.

5 THE WITNESS: -- in public schools. Some of the  
6 high school students arrive to the Boys and Girls Club  
7 between 3:00 and 3:45. Then the elementary students that  
8 arrive at Boys and Girls Club come after that, between 3:45  
9 and 4:00. Our students will be, all leave at 3:30, except  
10 for a handful of kids paying on the basketball team, or the  
11 soccer team, something like that. But the bulk of our, our  
12 pickup, basically, is between 3:20 and 3:30. So then our  
13 students will be gone before most of the -- only a handful  
14 of the Boys and Girls Club kids have arrived.

15 So it actually dovetails very, very nicely. When  
16 the bulk of the Boys and Girls Clubs arrive by bus, which  
17 drops them off on Forest Glen Road at the Boys and Girls  
18 Club, just by school bus, our students are basically gone.

19 MR. GROSSMAN: I mean, I'm still, I understand the  
20 timing as you are explaining it. I wonder if this friction  
21 in the system that if somebody is delays with traffic or  
22 whatever, isn't there going to be some kind of overlapping  
23 as a result of that?

24 THE WITNESS: Well, we, even with a handful --

25 MR. KLINE: Hold on. Mr. Grossman, I think I



1    wanted you to have this conversation along with some graphic  
2    exhibits --

3               MR. GROSSMAN:   All right.

4               MR. KLINE:    -- to kind of show how we're  
5    controlling also.   And I transmitted this to the Board I  
6    thought in an October transmission, but I don't see it on  
7    the exhibit list.   And I was looking for my cover letter  
8    right now.

9               MR. GROSSMAN:   All right.   So this --

10              THE WITNESS:   Basically we have, we've built in --

11              MR. GROSSMAN:   Hold on.   Let me identify what it  
12    is, since you've handed it to me.

13              MR. KLINE:    Yes.   So what I'd like to do is ask  
14    that you make as an exhibit in the case phase one and phase  
15    two parking and cuing plan.

16              MR. GROSSMAN:   So Exhibit 23 is phase one and  
17    phase two, well, I guess phase one is page one of this?

18                               (Exhibit Nos. 23A and 23B were  
19                               marked for identification.)

20              MR. KLINE:    Yes.

21              THE WITNESS:   That's correct.

22              MR. GROSSMAN:   And then phase two is, page two?

23              THE WITNESS:   Page two and three is phase two.

24              MR. GROSSMAN:   I only see two pages here.   Are  
25    there three pages?

1           THE WITNESS: No, there's two pages. Phase two  
2 and three are on the same page.

3           MR. GROSSMAN: Okay.

4           THE WITNESS: It's renovating the parking lot for  
5 phase two as the ultimate renovation.

6           MR. GROSSMAN: All right. So we'll say Exhibit  
7 23A is phase one parking and cuing plan. And 23B is a phase  
8 two and three parking and cuing plan. All right.

9           MR. KLINE: And I thought, Mr. Grossman, that  
10 having this exhibit where you could actually see kind of how  
11 things are supposed to be laid out and organized might also  
12 lend some credence to just the ebb and flow issues, as I  
13 called it.

14          MR. GROSSMAN: Yes. I suspect that if, in fact,  
15 everything goes as planned, that the timing will work out.  
16 But you know, the best laid plans of mice and men oft go  
17 awry, as they say. And I'm not so sure that when you do  
18 have traffic issues are whatever, and the buses are late or  
19 early or whatever, that you are not going to have conflict.

20          THE WITNESS: Well, we've built in, we've built  
21 in significant, I mean, there is plenty of room. We believe  
22 there's plenty of room, so even if there were some overlap.  
23 I think the biggest concern initially for us was, if there  
24 would be a time when Boys and Girls families would be  
25 driving into the driveway at the same time as Siena

1 families, because that's when the possible chaos happens.

2 But the fact is, the times of our Siena schools  
3 arrival and departure are only times when the school buses  
4 are there, not, there's no, there isn't drop off by parents  
5 in the afternoon. It's by school bus.

6 And to my understanding, in most cases the buses  
7 are dropping off, as they do typically, you know, at the end  
8 of the street. The kids hop off and walk into Boys and  
9 Girls Club. So there isn't, we don't anticipate, and the  
10 way the Boys and Girls operates right now is there are not  
11 parents driving into the driveway in the afternoon when we  
12 are trying to send our kids home. It's just the bussing  
13 dropping off from school.

14 So we don't ever anticipate that there would be a  
15 time, other than maybe with one or two parents, for some  
16 reason, from Boys and Girls Club, bringing their kids to the  
17 building, because their kids are coming directly from  
18 school.

19 MR. GROSSMAN: Well, I hope you're right. I hope  
20 it all works out. But you have --

21 THE WITNESS: We do feel confident. I mean, the  
22 biggest, the biggest fear would be that if, you know, you  
23 had parents from both communities dropping off at the same  
24 time. But that's just not the design of that program. And  
25 we've built in, and especially in phase two, the -- we are

1     designing the parking lot for 225 students, but we're not  
2     going to be at 225 students in phase two.

3                 So while the Boys and Girls Club is still there,  
4     we've got a double cue. And so we've been convinced by  
5     Mr. Hedberg and from our research, that there is plenty of  
6     room even for, as you say, obviously there are going to be  
7     some times and some changes in daily procedure. But we also  
8     have staff monitors every afternoon out in the parking lot,  
9     making sure that things go smoothly.

10                MR. GROSSMAN: You indicate one staff person. Is  
11     that actually one staff person out there?

12                THE WITNESS: In the mornings currently, and I say  
13     currently in the mornings we have one person. In the  
14     afternoon we have several staff people. And sometimes, for  
15     example the first day of school, we have more staff people  
16     out there just to make sure.

17                We have a very similar cue currently at the church  
18     parking lot. There's a one lane entrance, actually, instead  
19     of a two lane entrance here, and there is exactly the same  
20     pattern. So our families already are doing exactly this  
21     pattern of drop off. That won't change, really, at all, in  
22     terms of the new building.

23                And so we are confident that because it's not a  
24     change in pattern, our families are used to the way that the  
25     pickup and drop off works. And it will have much more space

1 in this parking lot than we currently have at the church.  
2 We're confident that we do have plenty of room to make this  
3 work smoothly.

4 MR. GROSSMAN: Yes. I mean, usually that's the  
5 question, usually, that is, is there sufficient cuing room,  
6 et cetera, so that it will not back up into the roadway and  
7 you won't interfere with the community, because the  
8 fundamental thing we look at in a zoning type of application  
9 is how you will be compatible with the community.

10 THE WITNESS: Exactly.

11 MR. GROSSMAN: And that includes traffic and  
12 parking.

13 THE WITNESS: Sure.

14 MR. GROSSMAN: Here, there is this added overlay  
15 that is of some concern, and that is whether or not you are  
16 going to have a safe drop off/pick up scenario given then  
17 overlap potential that I see. So I don't usually have to  
18 get into that, because I have never seen a situation like  
19 this before.

20 THE WITNESS: Sure. No, this is a little bit of  
21 an unusual situation. I am not the traffic expert, and  
22 certainly --

23 MR. GROSSMAN: Right.

24 THE WITNESS: -- Mr. Hedberg will be testifying  
25 that we have plenty of cuing length. We feel very confident

1     that there is more than enough cuing length to accommodate  
2     what we need in terms of our families coming.

3                 MR. GROSSMAN: All right.

4                 BY MR. KLINE:

5                 Q     Just to summarize then, you've been told by your  
6     professional consultants, the designers of the cues and the  
7     traffic engineer, that we should be able to accommodate all  
8     the cars on site so there would be no cars backing out on  
9     Forest Glen Road.

10                A     That is my full understanding.

11                Q     And that this circulation pattern will be safe,  
12     adequate and efficient, notwithstanding the coming and  
13     goings of different groups.

14                A     Absolutely. And that is our first concern, to  
15     make sure our students are safe. So we wouldn't approve a  
16     plan that didn't, or submit a plan that didn't keep our  
17     students safe. We feel that this is a safe plan, and one  
18     that has been in use in very similar, almost exactly the  
19     same pattern in the entire history of the school.

20                Q     In fact, don't I remember when we were doing phase  
21     two there were a lot of concerns about how you were going to  
22     manage the drop offs and everything to get the kids safely  
23     into the building?

24                A     Yes. I mean, we had long discussions about that,  
25     and that's why we have the double cuing line, which is what

1 we do currently at the school. So this has been tested.  
2 This is not a new plan for us. This is exactly the same  
3 procedure that we use currently at the school.

4 MR. GROSSMAN: All right.

5 BY MR. KLINE:

6 Q From a timing point of view, go back and just  
7 confirm that I got it right. You'd like to be in the  
8 building, I said first of September, but you intend  
9 occupancy for when?

10 A Sure. We would like to start the school year.  
11 Obviously, it's much easier for families if you start the  
12 school year in the new building. And our renovation is  
13 planned assuming that this special exception process takes  
14 the maximum amount of time that it could take, can get us to  
15 finish in August, towards the end of August.

16 So in our situation, we want to make sure that the  
17 process if followed carefully and fairly, but we are under a  
18 tight schedule, mostly because we were delayed by the  
19 discovery that the parking lot did not belong to Boys and  
20 Girls Club, which Park and Planning didn't even realize.  
21 They discovered it when we brought it up.

22 So that was a, caused a significant delay. And  
23 that was really what we were waiting for in order to submit  
24 the special exception application. You know, we are  
25 prepared to move in whenever we need to, obviously. We

1 would love to be able to move in at the end of August, so  
2 that our kids can start the school year and restart safely  
3 and right from the beginning.

4 So anything that we can do to help support this  
5 process to keep it moving, you know, we're happy to do,  
6 because it will be beneficial to us to be able to stick to  
7 that. We know that the renovation, we have like 10 weeks of  
8 renovation, and we know that that can overrun every once in  
9 a while. So we're factoring in that. Even a week or two  
10 can be helpful for us.

11 MR. GROSSMAN: Well, the primary thing that you'll  
12 have to do is get in the transportation management plan, and  
13 the revised statement of operations in more detail, as  
14 quickly as possible after this hearing.

15 THE WITNESS: We'll get that immediately.

16 MR. KLINE: You'll have them both on Monday.

17 MR. GROSSMAN: Well, you'll have to consult also  
18 with the community.

19 MR. KLINE: Oh yes, sure. Sure. That's what  
20 weekends are for.

21 MR. GROSSMAN: All right.

22 BY MR. KLINE:

23 Q We've kind of focused on, you know, kind of the  
24 start-up operation. Basically, take us into the later  
25 phases, and one, the impact of Boys and Girls later in time,



1 and two, is there anything about phase two or phase three  
2 that changes any of what you are talking about?

3 A Well, one of the most important things about the  
4 phasing is that we have been very careful and try to be very  
5 sensitive to this community to keep the footprint of the  
6 building the same. And that's why we decided to, that we  
7 would fit the phase two construction over the pool, the  
8 existing pool, which is not currently in operation. And so  
9 that keeps the footprint of the building the same.

10 Phase three is building a final set of classrooms  
11 on the roof next to where the gym is that still maintains  
12 the building height, meets the building height, and would  
13 allow us to get up to the maximum number of students.

14 So we are, in phase two we will do all the parking  
15 improvements, parking lot improvements that we do with Park  
16 and Planning that will suit 225 students. So in phase two  
17 we will have significant improvements to that parking lot.

18 Q My next question will not go in your marketing  
19 brochure, but realistically, when are we getting closer to  
20 doing phase three or phase two even?

21 A It's more of a guess, because sometimes schools  
22 get a bump when they move to a new building, and we might  
23 get a significant increase next year, you know, five or 10  
24 students. We might not. It's hard to tell. But I would  
25 say that it would be hard to do phase two sooner than three

1 or four years, and probably another few years after that for  
2 phase three.

3 Again, it's pretty hard to predict with admission  
4 cycles at the moment, and looking at how schools are doing.  
5 We know there is a need for our school, and we have grown  
6 significantly over the last six years, but it's hard to  
7 predict exactly what enrollment patterns will be.

8 Q Taking into just sort of away from the traffic  
9 related issues, just the general operational issues, tell us  
10 about your school calendar? When are you open?

11 A Sure. We begin after labor day. We run through  
12 mid-June with our regular program. The school hours are  
13 8:30 to 3:30 with an aftercare, a small aftercare program.

14 MR. GROSSMAN: I'm sorry, what are your hours?

15 THE WITNESS: 8:30 to 3:30 for most students. And  
16 then we have a small aftercare program. We currently have  
17 about 10 or 12 students in the aftercare program.

18 MR. GROSSMAN: Are you satisfied with the hours as  
19 they were modified by the Planning Board?

20 THE WITNESS: Yes. And then in the summer --

21 BY MR. KLINE:

22 Q Before you leave --

23 A Yes.

24 Q -- because in fact you said, we rarely are in the  
25 building after 6 o'clock at night --

1           A     Right.

2           Q     -- but for special events?

3           A     We have parent-teacher meetings, parent  
4     association meetings, and then as you were referring to, the  
5     special events. We have the same things that all schools  
6     have. We have a couple of big ones, back-to-school night  
7     and the science fair, and the arts evening that involve most  
8     families.

9                     And then we have parent association meetings that  
10    we wish involved more families, but there are a handful of  
11    families that come to those. So we follow what a typical  
12    private school follows in terms of that.

13                    We've been limited in our, we have a limited  
14    summer program. We have an academic program in the  
15    mornings, and then we have an arts program that we also  
16    offer. It's been pretty small so far, because of our  
17    location in the church.

18                    And again, we don't have specific plans for  
19    exactly how large that will grow, how quickly, but we would  
20    like to continue to offer it. And we put in our proposal to  
21    continue to offer a summer program that would involve arts  
22    and academics, especially for students who aren't at Siena  
23    but need that sort of intervention in their reading and  
24    writing and math. So they come from other schools and take  
25    part in our summer program.

1                   MR. GROSSMAN: Now, the Planning Board recommended  
2 an additional condition although they didn't specify a  
3 number. They said, limits on students and staff in phase  
4 one until the Boys and Girls Club vacates. What would be  
5 the appropriate limits on students and staff in phase one?

6                   THE WITNESS: Well, we believe that with the  
7 current configuration of the building, as Mr. Kline had  
8 referenced before, that depending on how many students you  
9 have in a particular grade, that we could comfortably fit  
10 100-110 students in our space. That's outside of the Boys  
11 and Girls space, and just the Siena School part of the  
12 space, comfortably.

13                   It comes down to sometimes if you have a fifth  
14 grade class that's full of 10 students, or if you have a  
15 fifth grade class that only has seven students, you know,  
16 there is room without, you know, if you are at full  
17 enrollment, that you can get up to that 100 to 110 number  
18 comfortably in our existing space as set aside from the Boys  
19 and Girls Club.

20                   MR. GROSSMAN: But I'm also talking in conjunction  
21 with, we've discussed the traffic issues as well. In  
22 conjunction with not only the internal space, but also  
23 parking and traffic issues, what would be the appropriate  
24 limit to set on the number of students in phase one, and the  
25 number of staff in phase one?

1           THE WITNESS: I think 110 students would be  
2 comfortable in terms of the cuing lanes we have, and in  
3 terms of the staff that would be needed.

4           MR. KLINE: And let me take you this way --

5           MR. GROSSMAN: And how many staff? There has to  
6 be a --

7           MR. KLINE: Yes. Can I come back to that --

8           MR. GROSSMAN: Yes.

9           MR. KLINE: -- if that's okay.

10          BY MR. KLINE:

11          Q     My understanding is, you basically,  
12 programmatically, you like to have approximately 11, 10 to  
13 12 --

14          A     10 or 11 students per class. Right.

15          Q     Okay. And you will have the availability for 10  
16 classrooms?

17          A     Yes.

18          Q     So that's how you get to 110?

19          A     Right.

20          Q     And then Mr. Grossman's next question is, and how  
21 many people do you have to have to support that?

22          A     Right. So if we have, when you move from a number  
23 like, we're talking about 90 to 110, we're really talking  
24 about whether you can fill every seat. And so the number of  
25 staff wouldn't be much more than what we're anticipating

1 for phase one.

2 Phase one really is phase one. It's the number of  
3 classrooms we have. We can't have more teachers than we  
4 have classrooms.

5 MR. GROSSMAN: Right.

6 THE WITNESS: And so on, and so we, I don't  
7 anticipate that there would be a need for a significant  
8 increase in staff members, if you're talking about 90 or 95  
9 or 100 students.

10 BY MR. KLINE:

11 Q So refresh his memory as to how many staff you  
12 thought you were going to have with 90, if you even remember  
13 that?

14 A I think we said 20. I think phase one is 20  
15 teachers, is that right?

16 MR. GROSSMAN: It's not just teachers, it's all --

17 THE WITNESS: Staff, I'm sorry.

18 MR. GROSSMAN: What we're concerned with, I mean,  
19 there are going to be other agencies, State agencies that  
20 are going to deal with, undoubtedly, the questions of  
21 whether you have enough teachers per students --

22 THE WITNESS: Yes.

23 MR. GROSSMAN: -- and all of that. But we're  
24 concerned with the impact of traffic and parking on the  
25 community.

1           THE WITNESS: We don't anticipate needing more  
2   than -- the number of staff that we have for phase one  
3   should be sufficient for the space that we have for 110  
4   students.

5           MR. GROSSMAN: And what is that? What's that  
6   number?

7           THE WITNESS: I believe that number is 20.

8           MR. KLINE: That's correct.

9           THE WITNESS: I just wanted to make sure that I  
10   don't have --

11          MR. GROSSMAN: Okay. Because these are going to  
12   be the limits that will be imposed by a condition in the  
13   special exception.

14          THE WITNESS: Right.

15          MR. GROSSMAN: All right. And in phase two?

16          THE WITNESS: So in phase two --

17          MR. KLINE: Well, in phase two, Mr. Grossman, let  
18   me just kind of explain why I have a problem with this, in  
19   the sense that this is all traffic related. And Mr. Hedberg  
20   is going to tell you, there is no traffic problem. So, I  
21   mean, if they could get more than 110 in, it still shouldn't  
22   have an impact at all on the property.

23          MR. GROSSMAN: Well, I'm not suggesting that it  
24   would have an impact. What I'm asking is for a number,  
25   because --

1           MR. KLINE: But because you only have a number  
2 because you have a potential adverse impact.

3           MR. GROSSMAN: Right.

4           MR. KLINE: We're trying to demonstrate that there  
5 would be no potential adverse impact.

6           MR. GROSSMAN: Well, we always, we always limit  
7 the number, the total number of students and the total  
8 number of faculty, because ultimately that's our gauge for  
9 the impact.

10           And so if you're telling me that you don't need a  
11 separate limit in phase two, but you are going to have a  
12 limit in phase three, because your overall limit is 225  
13 students and 55 employees. I'm just trying to get a gauge  
14 of what the limit would be during phase two.

15           THE WITNESS: Well, there should be no limit in  
16 phase two, because in phase two the parking lot and the  
17 transportation is built for 225.

18           MR. GROSSMAN: Okay. So you're telling me that  
19 the limits for phase two would also be the 225 and 55?

20           THE WITNESS: Exactly. Yes.

21           MR. KLINE: And so that's what I was trying to  
22 say. Yes.

23           MR. GROSSMAN: Well, I think that one reason that  
24 Ms. Carrier suggested there be a limit is because she  
25 anticipated that -- or she indicated phase one, but she also



1   talked about it until the Boys and Girls Club vacates the  
2   premises. But from what I understand, the Boys and Girls  
3   Club would still be there during phase two. And so --

4               MR. KLINE: Potentially.

5               MR. GROSSMAN: And so don't we still have an  
6   issue, a coordination issue, a coordination issue during  
7   that period of time that must be dealt with in terms of the  
8   number of staff, students and staff that could be  
9   accommodated on the premises from Siena School?

10              THE WITNESS: I don't believe so.

11              MR. KLINE: Well, you have the issue, but I think  
12   he's going to say, yes, he can handle it.

13              MR. GROSSMAN: Well, let's hear what he has to  
14   say.

15              MR. KLINE: Yes. Right.

16              THE WITNESS: What I would say, again, I'm not a  
17   traffic expert, but since in phase two the entire parking  
18   lot is rebuilt and designed for 225 students, our maximum  
19   capacity, and we won't be at that number for phase two,  
20   because we won't have built the extra classrooms, there is  
21   plenty -- there is parking that's plenty, and cuing that is  
22   built for many more students than we will actually have,  
23   because in phase two we are only expecting 130-140 students.

24              MR. GROSSMAN: All right. Mr. Kline, additional  
25   questions of this witness?

1 BY MR. KLINE:

2 Q Only this, and let me kind of phrase it this way,  
3 since I've been prompted by Mr. Heyer, who spoke so nicely  
4 as the founder of the school before. Were Boys and Girls  
5 Club to leave earlier than the eight years that they are  
6 contractually allowed to stay for, that would allow you to  
7 expand sooner, and you would not have the conflict we're  
8 talking about right now?

9 A That's right.

10 MR. KLINE: So what I'm thinking of, Mr. Grossman,  
11 is, I'm comfortable partly because of the schedule issue  
12 with 110 as the cap at phase one. But I don't think it's  
13 quite as important in phase two, particularly if Boys and  
14 Girls Club departed, if there was something that said you  
15 shouldn't -- well, I'm trying to allow us to come back to  
16 the Board of Appeals for an administrative modification to  
17 increase the enrollment because Boys and Girls Club has left  
18 prematurely, and that we basically have capacity available,  
19 and the points of friction are eliminated when Boys and  
20 Girls leaves.

21 MR. GROSSMAN: So you're suggesting coming back to  
22 the Board of Appeals for an administrative modification  
23 during the phase one period? I mean, because during the  
24 phase two period, if I understood what Mr. Kaufman is  
25 saying, the only, there is no different in the limit that

1     should be imposed on students and staff.

2                 THE WITNESS:  Yes.  There should be no issue in  
3     phase two.

4                 MR. KLINE:  Yes.  You're right.  Because that's  
5     what I was saying to Mr. Heyer, is that phase two doesn't  
6     seem to be --

7                 THE WITNESS:  No.

8                 MR. KLINE:  We're arguing that if we get all the  
9     way to, get to 225 we're okay at phase two.  So phase one, I  
10    guess, is the only place we really have the --

11                THE WITNESS:  Yes.  So we're comfortable with  
12    setting a reasonable limit in phase one, of course.

13                BY MR. KLINE:

14            Q     Let me, before you -- I'd like to go back to the  
15    testimony, some of the testimony we heard from some of the  
16    neighbors, the concerns about the parking.  And we were  
17    talking about the special events.  You can see there, you do  
18    not have adequate parking on the property to accommodate  
19    your special events.

20            A     Right.  We have, when we talked to the  
21    neighborhood associations, our assurance came from actually  
22    our deal with Park and Planning.  We have an agreement with  
23    them in writing that we will be allowed to use the Margaret  
24    Schweinhaut Center for auxiliary parking for our big events.

25                         So it's not just a vague promise from us, but

1 actually an agreement we have with Park and Planning,  
2 because having been involved in schools for over 25 years, I  
3 know that parking in the neighborhood is the number one, is  
4 the number one concern.

5           So for any events that exceed our capacity, the  
6 few events of the year where the whole school is there,  
7 back-to-school night and so on, we already have an agreement  
8 with Park and Planning to use that. And it's literally a  
9 block away from our school.

10           Very few schools in the County have 150 space  
11 auxiliary parking lot within a block of their school. So  
12 that gives us, makes us feel very secure.

13           MR. GROSSMAN: That is a luxury.

14           THE WITNESS: Yes.

15           MR. KLINE: Mr. Grossman, I actually thought the  
16 e-mail that I am providing you from Mr. Hertz of the Parks  
17 Department to Mr. Kaufman dated December 21, I thought it  
18 was an attachment to the staff report. But maybe it hadn't  
19 been worked out by the time the staff report had been  
20 published. But this is basically, quote, the agreement that  
21 has been reached that was transmitted to Ms. Kamen.

22           MR. GROSSMAN: All right. So this is Exhibit 24.  
23 And this is e-mail of 12/9/11 from Daniel Hertz of  
24 Montgomery County Parks to Mr. Kaufman confirming agreement  
25 to use, it says Argyle Park as well. Is that correct?

1 (Exhibit No. 24 was  
2 marked for identification.)

3 THE WITNESS: Argyle Park, it has a small parking  
4 that is attached to the Margaret Schweinhaut Center parking.  
5 So there is no clear definitive line between the two, but  
6 there are about 150 parking spaces that are --

7 MR. GROSSMAN: Okay.

8 THE WITNESS: -- adjacent to each other.

9 MR. GROSSMAN: Parking at Argyle Park and  
10 Schweinhaut Senior Center for overflow parking. Okay.

11 THE WITNESS: Argyle Park, as you can see from the  
12 pictures, is simply just adjacent to the Siena School  
13 property, and the parking lot is just on the other side of  
14 the park. It's a big soccer field.

15 MR. GROSSMAN: Okay.

16 MR. KLINE: Mr. Grossman, I know you reduce things  
17 assiduously --

18 MR. GROSSMAN: Right.

19 MR. KLINE: -- so the second paragraph basically  
20 talks about the process by which we make the arrangements.  
21 They select a night. They call into Parks. They say, we  
22 don't have any events that conflict. Go ahead and use it,  
23 or we do have a conflict, in which case we have to  
24 reschedule.

25 What I want to bring your attention to was, when

1    this letter was written, they were responding to an initial  
2    suggestion by Ms. Kamen that we would not have more than  
3    four or five events per year. And that I think actually was  
4    in our original statement of operations.

5               But they concluded that, hey, you know, there are  
6    some things we may be adding. So the staff report talks  
7    about, I think, eight or nine now. That has been discussed  
8    with the Parks Department and they are not locked into the  
9    four or five that are mentioned in the, about the fifth line  
10   down in the first paragraph of that letter.

11              MR. GROSSMAN: Right.

12              MR. KLINE: So it's simply a matter of, do we have  
13   a conflict, but we can't exceed what's in the staff report.  
14   We understand that.

15              MR. GROSSMAN: Okay. Once again, that will all be  
16   part of the transportation management plan.

17              MR. KLINE: Exactly. Yes, sir. Yes.

18              MR. GROSSMAN: Okay.

19              MR. KLINE: Condition number eight says, up to  
20   eight large scale events. And that's acceptable to the  
21   applicant and has been discussed with Parks Department. And  
22   they're okay with that as well.

23              MR. GROSSMAN: And all I'm saying is, that should  
24   be in your statement of operations, and your transportation  
25   management plan. That should be specified.

1 BY MR. KLINE:

2 Q There was mention about a shuttle van. We haven't  
3 talked about that before. Do you plan to continue operating  
4 that?

5 A We currently have one bus, a 14-passenger van, and  
6 the neighbors had asked whether, especially if we have some  
7 older grandparents and things like that, whether we would be  
8 willing to shuttle people from the Argyle Park parking lot  
9 to the campus, which we are certainly amenable to. It is  
10 only about a one block walk, but obviously we want to take  
11 care of our families, so that bus would certainly be  
12 available for those purposes.

13 Q And in the transportation management plan that  
14 we're going to be talking about, you're prepared to do the  
15 steps necessary to try and maintain and enhance the amount  
16 of shared vehicle use, pedestrian walking --

17 A Of course.

18 Q -- to encourage kids. Do you think you'll be able  
19 to retain the same number of kids coming by the subway  
20 system now?

21 A Yes, we do. It's still only three-quarters of a  
22 mile from the metro stop. In the morning, when they are  
23 getting to school, it's downhill, and in the afternoons it's  
24 uphill. But kids are eager to get home, so the kids love  
25 the independence of taking the metro. So many of our high

1 school students take the metro. So we expect that to  
2 continue without any trouble.

3 Q There is a provision in the ordinance that says  
4 you can't have more than 87, a population of 87, a density  
5 of 87 students per acre. And when you do the math of 225  
6 into the corrected number of acreage you'd have, you're only  
7 at 83.3. But a lot of our questions today have talked about  
8 how to treat the boys and girls.

9 So in a worst case scenario, I guess you could  
10 possibly have more than 87 children on the property at a  
11 given time. From your point of view in terms of the  
12 standards that I've shown you in the ordinance for that, do  
13 you see where there's a problem? Does having the larger  
14 number of over 87 have an adverse impact on the surrounding  
15 neighborhood?

16 A No, we feel like there is plenty of room. Part of  
17 the issue for us is, because we only have a small number of  
18 students in a classroom, compared to the number you  
19 typically would get into a classroom, you know, 30 students,  
20 we have space in the building that's suitable for the  
21 students. There's plenty of room for them.

22 Plus the other thing that is a benefit to us is  
23 that as you know, as you can see from this, on the west side  
24 where -- on the south side where you have the capital  
25 beltway, and we have Argyle Park on the east side, and we



1    have Sligo, it's basically woods and then Sligo Creek  
2    Parkway on the west side. And then across Forest Glen Road  
3    there is a berm. Forest Glen Road and then there is a berm  
4    and then the neighborhood.

5                So we feel that given the location and the fact  
6    that we have no direct neighbors to the property, and that  
7    the neighbors who are across the street are across a berm  
8    before you get to the two houses that are the only two  
9    houses that are visible from the property, we feel that this  
10   won't have an adverse effect on the neighborhood.

11               MR. GROSSMAN: My question would be, however, if  
12   that density is variable, if there is allowed any variation  
13   from that maximum density in the zoning ordinance. I don't  
14   recall if that's specifically permitted. Do you recall --

15               MR. KLINE: I'm sorry, Mr. Grossman.

16               MR. GROSSMAN: -- whether or not that limit on  
17   density, on student density is --

18               MR. KLINE: It basically just says you could do  
19   it, but --

20               MR. GROSSMAN: -- is there any allowable variation  
21   from that.

22               MR. KLINE: Oh yes. I'm sorry.

23               MR. GROSSMAN: Let's see, 85 here, we're talking  
24   about --

25               MR. KLINE: Is permitted. Yes.

1           MR. GROSSMAN: Only if the Board finds that the  
2 program of instruction, special characteristics of the  
3 students, or other circumstances justify reduced space. In  
4 fact, the requirements, the additional density will not  
5 adversely affect adjacent properties, and additional traffic  
6 generated by the additional density will not adversely  
7 affect the surrounding streets.

8           MR. KLINE: And I was essentially asking  
9 Mr. Kaufman here to address one and two --

10          MR. GROSSMAN: Right.

11          MR. KLINE: -- or (i) and (ii) and have  
12 Mr. Hedberg address (iii).

13          MR. GROSSMAN: Okay. All right. And if I  
14 understand you correctly, the only time that it would  
15 potentially exceed that density is when there's an overlap  
16 with the Boys and Girls Club?

17          THE WITNESS: As we're leaving and they're  
18 arriving, exactly.

19          MR. KLINE: And since you, I did the math, since  
20 you have to get up to 234 to get to 87, at their growth, and  
21 the Boys and Girls sort of -- I'm not sure you'd ever get to  
22 that number at all.

23          MR. GROSSMAN: Okay. All right. Outdoor play.

24          THE WITNESS: Well, as you can see, there is a  
25 significant playing field on the property.

1                   MR. KLINE:  Yes.  Let me do this.  We have,  
2   basically, an exhibit in the record, Mr. Grossman, which, as  
3   soon as I find my exhibit list here, I'll tell you which one  
4   I was referring to.  The phase two site plan is Exhibit 4.  
5   I guess it's 4C.

6                   MR. GROSSMAN:  I see, it says --

7                   MR. KLINE:  I'm sorry, 4H.  4H.

8                   MR. GROSSMAN:  4H is proposed phase two site plan.  
9   Yes.

10                  THE WITNESS:  So there is an existing playground  
11   with play equipment on the site.

12                  MR. GROSSMAN:  Right.

13                  THE WITNESS:  And then there is a significant  
14   playing field that we will own, own two-thirds of it, and  
15   lease part of it from Park and Planning.  So there's a  
16   significant amount of space.

17                  And then the benefit of that space is, again, is  
18   it is nestled in between our building, the beltway, the  
19   trees that are between there and Sligo Creek Parkway, and  
20   then a row of trees along Forest Glen Road.  So it really is  
21   nestled in.

22                  MR. GROSSMAN:  So that's the closest residence to  
23   the outdoor play area?

24                  THE WITNESS:  The play area is actually on the  
25   back of the property, behind the building.

1           MR. GROSSMAN:  Wherever you might have children  
2  outdoors making noise.

3           THE WITNESS:  So you would have to be across the  
4  street and across the berm.  So there's two houses that are  
5  located across Forest Glen Road, and then across the berm.  
6  And then there is another road, and there are the houses.

7           MR. GROSSMAN:  All right.  Can you point to that?

8           MR. KLINE:  Well, going to Exhibit number 10, the  
9  zoning vicinity map, the building itself is hard line red in  
10 the center of the drawing.

11          MR. GROSSMAN:  Right.

12          MR. KLINE:  The houses fronting on the north side  
13 of Forest Glen Road.

14          MR. GROSSMAN:  Right.

15          MR. KLINE:  So just the depth of the road and the  
16 depth of the building would give you at least 300 feet of  
17 distance to the area behind the school.

18          MR. GROSSMAN:  Okay.  All right.  So --

19          MR. KLINE:  There is open field on the left side,  
20 which is, again, probably about 150 feet across from the  
21 residences directly on the north side of Forest Glen Road.

22          MR. GROSSMAN:  So we're talking about the closest  
23 ones would be what are labeled one and two in block one  
24 there?

25          MR. KLINE:  Yes, sir.

1                   MR. GROSSMAN: Is that correct, just to the north  
2 of Forest Glen? And those would be the closest ones to an  
3 outdoor play area?

4                   THE WITNESS: Yes.

5                   MR. KLINE: Yes, sir.

6                   MR. GROSSMAN: All right. And what distance did  
7 you say those homes are from that outdoor play area?

8                   MR. KLINE: The lot lines give you, well, the  
9 width of the street is 100 feet. And then, however over  
10 here, so it's probably in the order of 150 feet from the  
11 front steps of the house to any play areas on the west side  
12 of the property.

13                  MR. GROSSMAN: And what's the earliest time of day  
14 and latest time of day that those play areas would be used?

15                  THE WITNESS: We don't start before 8:30, so it  
16 wouldn't certainly be in the -- it would be before then, and  
17 most of it is during the day during lunch and recess, and  
18 potentially after school, you know, for 3:30.

19                  BY MR. KLINE:

20                 Q     Would you be using the fields on the west side for  
21 recess activities? I was thinking those are more organized  
22 sporting events.

23                 A     Well, but for the kids who would go outside at  
24 lunchtime or for recess, yes. Again, because it's pretty  
25 far from --

1           Q     Okay.

2                   MR. GROSSMAN:  Do you play amplified music or  
3  noise outside?

4                   THE WITNESS:  No.

5                   MR. GROSSMAN:  So you wouldn't mind a restriction  
6  that said, no amplified noise outdoors?

7                   THE WITNESS:  I guess I would want to be able to  
8  have a more specific definition of exactly what that meant.  
9  For example, if a student had a radio walking around and, or  
10 are you talking about big speakers blasting a party?

11                  MR. GROSSMAN:  Well, I would be talking about any,  
12 I mean, I understand a student might have a radio, and I'm  
13 talking about the school having any type of loudspeaker  
14 equipment, whether it's a big speaker or a small speaker, or  
15 playing music outdoors, anything that might disturb the  
16 community.  That's all I mean.  That's the rationale.

17                  THE WITNESS:  Sure.  I mean, within reason, I  
18 think if it was reasonable.  I mean I would be a little  
19 hesitant to say, again, a neighbor could object and say that  
20 a student with a radio on, you're violating your zoning.  I  
21 mean, obviously, we don't want to disrupt the neighborhood,  
22 and we'll work closely with them.  And we'll continue to  
23 meet with them to make sure that what we're doing is, you  
24 know, is reasonable.

25                  BY MR. KLINE:

1           Q     Let me suggest this.  We don't have a football  
2     team, so we're not announcing the football games and who  
3     tackled such and such, correct?

4           A     Right.

5           Q     Okay.  So do you want to have a system where you  
6     can say, okay, fourth grade class, recess is over, come back  
7     into the building?

8           A     We might have something like that.  We don't have  
9     that currently, but I wouldn't rule it out.

10           MR. KLINE:  We would have no problem with a  
11     condition that said any amplified system has to comply with  
12     the County noise ordinance.

13           MR. GROSSMAN:  Well, I think it's a little more  
14     than that when you're talking about, I don't know exactly  
15     what the usage is, but if you have all day long if you have  
16     noise in an area --

17           THE WITNESS:  I understand.  Sure.

18           MR. GROSSMAN:  -- it's more than just complying  
19     with the noise ordinance.  So that would be something that  
20     we usually address in a condition involving schools or  
21     daycare centers in terms of outdoor noise.

22           MR. KLINE:  It's not, god forbid, a swim club,  
23     that's for sure.

24           MR. GROSSMAN:  All right.  Mr. Kline is making a  
25     brief reference to another case.

1 THE WITNESS: Yes, I understand.

2 MR. GROSSMAN: All right. So I'll look at a  
3 condition regarding that. Okay.

4 BY MR. KLINE:

5 Q This is usually about the time where I ask you  
6 about your outreach efforts to the community. But I guess  
7 that's sort of self-evident by virtue of the complimentary  
8 remarks you heard earlier today.

9 So let me just kind of wrap up and say, you've  
10 been an educator for many years. You've gone through this  
11 process in the District of Columbia, and has educated me on  
12 the comparisons of the two systems, Mr. Grossman. But based  
13 on your experience as an educator, and having gone through  
14 this process before, will the proposed use constitute a  
15 nuisance because of traffic, number of students, type of  
16 physical activity, or anything that would be incompatible  
17 with the surrounding neighborhood?

18 MR. GROSSMAN: Once again, that's usually an  
19 expert witness question. And so recognizing that you  
20 haven't introduced this gentleman as an expert witness, I'll  
21 let him answer the question with that caveat in mind.

22 THE WITNESS: What I would say is, I did go  
23 through a process with the school moving to a neighborhood  
24 before in D.C., in much tighter quarters in terms of -- and  
25 a much more difficult traffic situation.



1           What I can say as an educator and somebody who has  
2   been involved with the plans for this, having no neighbors  
3   on three sides is unusual for a school, especially in a  
4   residential neighborhood where normally you have neighbors  
5   looking into your building from every side.

6           The beltway on one side, which is its own  
7   noisemaker, having extra parking, when we saw this property,  
8   we felt like this, it was an ideal place to move a school,  
9   something that had already been for more than 60 years  
10   serving students, about the same number of students that  
11   we're going to have, in a place where really the  
12   neighborhood is across the street and again with this extra  
13   parking and so on, available, we felt like this was an idea  
14   place to run a school, that doesn't really transform the  
15   nature of the building where it is located currently.

16          And again, we're, in over 25 years of being an  
17   educator, I know the importance of working with the  
18   neighbors. And so, despite the fact that we are fairly  
19   isolated, we will continue to communicate openly with the  
20   neighbors, and have an open door policy. We've agreed that  
21   they can have meetings in our school. They will have their  
22   neighborhood associations. We want to be good neighbors.

23          And I will just conclude that we've been in this  
24   neighborhood now for six years, and we have met with the  
25   neighbors who use the parks. We've had good relationships.

1     So we don't feel like we're moving into a brand new space  
2     where we're going to be invading. We're really a part of  
3     this community right now. Our students have done volunteer  
4     work at Boys and Girls Club at their fine arts center.

5             So we are really part and parcel of what's going  
6     on in this community. And so, again, we feel like we are  
7     continuing that mission rather than, again, invading a new  
8     space.

9             MR. GROSSMAN: All right. You've made Mr. Kline's  
10    closing argument for him.

11            MR. KLINE: Better than I could have done it.

12            BY MR. KLINE:

13            Q     And just from a purely operational point of view,  
14    is there anything about the use that would cause an adverse  
15    effect or an obnoxious noise, glare, lights, activity level  
16    that would be bothersome to the surrounding neighborhood?

17            A     Again, it's a typical school, so it's not silent,  
18    but nothing other than what a normal school on a normal  
19    school day would have.

20            MR. GROSSMAN: Speaking of lights, wasn't that one  
21    of the suggestions by staff, there had to be additional  
22    lighting? Didn't I see that, Mr. Kline?

23            THE WITNESS: Yes, we just, there was one little  
24    pad, there's a walkway around the back they wanted some  
25    extra lighting on to be safe. And of course, we're in favor

1 of it.

2 MR. KLINE: And we have a revised photometric plan  
3 and it was transmitted to you.

4 MR. GROSSMAN: Okay. So the revised --

5 MR. KLINE: Correct.

6 MR. GROSSMAN: -- photometric plan deals with  
7 that.

8 MR. KLINE: Correct. And there will be a witness  
9 to testify about that.

10 MR. GROSSMAN: Okay. All right. Any other  
11 questions of this witness?

12 MR. KLINE: I have no further questions of  
13 Mr. Kaufman.

14 MR. GROSSMAN: All right. Ms. Cook, do you have  
15 any questions of Mr. Kaufman?

16 MS. COOK: I don't.

17 MR. GROSSMAN: All right. Mr. Meininger, do you  
18 have any questions?

19 MR. MEININGER: Nor I, sir.

20 MR. GROSSMAN: All right. Thank you, sir.

21 THE WITNESS: Thank you.

22 MR. KLINE: Mr. Hedberg. Mr. Hedberg, would you  
23 please state and spell your name, and give us your  
24 professional address?

25 MR. HEDBERG: My name is C. Craig Hedberg,

1 spelled, H-E-D-B-E-R-G, and I'm with the transportation  
2 consulting firm, Integrated Transportation Solutions,  
3 located in Columbia, Maryland.

4 MR. GROSSMAN: All right. Would you raise your  
5 right hand, please?

6 (Witness sworn.)

7 MR. GROSSMAN: All right. You may proceed,  
8 Mr. Kline.

9 MR. KLINE: Mr. Grossman, I've provided you a copy  
10 of Mr. Hedberg's resume and ask that it be made an exhibit  
11 in the record of the case.

12 MR. GROSSMAN: That will be Exhibit 25.

13 (Exhibit No. 25 was  
14 marked for identification.)

15 DIRECT EXAMINATION

16 BY MR. KLINE:

17 Q Mr. Hedberg, were you asked to prepare an LATR and  
18 PAMR analysis for this application?

19 A Yes, I was.

20 Q Would you please basically give us an overview of  
21 your methodology and your findings and conclusions? But you  
22 know eventually I'm going to ask you to relieve Mr. Grossman  
23 of any concerns he might have about the overlap of the uses  
24 that we're having on the property. Because it was a concern  
25 for you, too.

1           A     Yes. I undertook a local area transportation  
2 review. We got a scope of work from Park and Planning  
3 Commission as to what intersections we needed to analyze,  
4 which extended from Forest Glen at Georgia Avenue, at  
5 Dameron Drive in Forest Glen, and then Sligo Creek Parkway  
6 and Forest Glen, and then also looked at the critical lane  
7 volumes at the driveway, proposed driveway.

8                     And so we took the peak hour traffic counts as  
9 described in the guidelines for these intersections. In  
10 addition, we got a vehicle trip count for the existing  
11 operations so that we would have a basis on which to project  
12 future peak hour trips based on the current trip generation.

13                    So in the analysis, the local area review  
14 analysis, all intersections were within the critical lane  
15 volume standard for the Kensington/Wheaton policy area,  
16 except for Georgia Avenue and Forest Glen at the a.m. peak  
17 hour.

18                    So the process that I went through was, I had the  
19 zip code trip distribution for the existing students, so for  
20 the existing 75 student population school. I reassigned  
21 those to the new location. And the, and then I projected  
22 the trips up to the ultimate which was the 225 students.

23                    And the intersections met the critical lane volumes at  
24 all locations except again for Georgia and Forest Glen Road.  
25 However, there was no negative impact with the school

1 expansion at that intersection. And that's primarily  
2 because over the years there have been some lane  
3 redesignations that were conditions of prior approvals on  
4 Forest Glen Road.

5 And right now, there is a dual northbound-to-  
6 westbound left turn lane. And that's really where the trips  
7 that are going to the proposed site would follow. And there  
8 wasn't a critical movement, so that we ended up having a  
9 zero change.

10 Q So you're saying the CLV was no higher, even  
11 though you increased the enrollment --

12 A That's correct.

13 Q -- to 225?

14 MR. GROSSMAN: As I recall the way you phrased it  
15 that it did not exceed background levels. Is that what --

16 THE WITNESS: It doesn't exceed beyond background.  
17 Yes. Right. Then in terms of the driveway counts, what I  
18 did in the study was that we took credit for the relocation  
19 of the school associated with the 75 student population, and  
20 then in the ultimate when the Boys and Girls Club activities  
21 were no longer on site, we take credit for that, too.

22 And then the difference between the ultimate  
23 projected volumes for the school and the two credits  
24 resulted in a net peak hour increase that was subject to  
25 PAMR, policy area mobility review.

1           MR. GROSSMAN:  When you say take credit for it,  
2   what do you mean, you take credit for it?

3           THE WITNESS:  The PAMR is based on the net  
4   increase in trips that you add.  So the 75 students, it's a  
5   wash.  it's just a relocation of the policy area.  They Boys  
6   and Girls Club would be gone, so that's essentially a credit  
7   that would be applied that could be taken against the  
8   ultimate school population.

9           And then we ended up with approximately 140 trips  
10   additional.  And that would be subject to PAMR.  At one  
11   point, and this is important to understand this overall  
12   scheme, as noted on page 15 of the traffic study, I took  
13   credit for the trips that would be eventually eliminated  
14   when the Boys Club moves, but I did not subtract out any of  
15   those trips through any of the intersections.  So that's  
16   assuming that, the traffic assumes that the Boys Club, the  
17   Boys and Girls Club trips stay on the road, which is a  
18   conservative assumption.  Obviously, there would be some  
19   reductions through various intersections.

20           So the study shows that even if you consider that  
21   the Boys Club never moved, the full school could be  
22   developed without having an adverse impact on the  
23   surrounding intersections.

24           MR. GROSSMAN:  All right.

25           BY MR. KLINE:

1 Q So you used a worst case/worst case scenario --

2 A That's correct.

3 Q -- to determine the capacity of the transportation  
4 network.

5 A Right.

6 MR. GROSSMAN: Well, what about in terms of the  
7 impact on the immediate surroundings, that is in terms of  
8 traffic affecting the immediate community, as opposed to the  
9 overall road capacity analysis?

10 THE WITNESS: I interpret your question to mean  
11 right at the driveway what's happening.

12 MR. GROSSMAN: At the driveway, or on the  
13 immediate surrounding roads. In other words, I'm not asking  
14 you about intersectional capacity which you look at in a  
15 critical lane volume analysis. I'm talking about the  
16 compatibility with the immediate surroundings around the  
17 school, if you have all of that additional, the additional  
18 traffic from the school moving to the Boys and Girls Club,  
19 while the Boys and Girls Club is still there.

20 THE WITNESS: It would be an additional amount of  
21 traffic, but one of the intersections that was analyzed was  
22 Forest Glen. It's like a green. And that is well within  
23 the congestion standards for the County under the total  
24 traffic conditions.

25 MR. GROSSMAN: All right. And what about at the



1 driveway, as you mentioned?

2 THE WITNESS: Yes, at the driveway, and that's  
3 where a lot of this discussion has come. And I would say  
4 that obviously in the end state, which was analyzed in the  
5 report, there were no Boys and Girls Club trips.

6 Now, in the interim, where there will be joint  
7 uses, there obviously is going to have to be coordination  
8 and management of traffic. And I think that the issues here  
9 are relating to the preparation of transportation management  
10 plan should be spelled out in detail as to how that is all  
11 going to operate.

12 MR. GROSSMAN: All right.

13 THE WITNESS: There is adequate cuing for stacking  
14 traffic on site under the ultimate condition. And as long  
15 as there is that coordination of activity associated with  
16 the Boys and Girls Club and the school, where there won't be  
17 kind of a compounding, in fact, then there should be no  
18 problem in the interim stage as well. But I do agree that  
19 the transportation management plan needs to be developed.

20 MR. GROSSMAN: All right.

21 THE WITNESS: Defined.

22 BY MR. KLINE:

23 Q I guess I'd like to draw your attention to the  
24 Planning Board's transmittal letter which I'll just sort of  
25 characterize as suggesting that the overlap had not been

1 adequately addressed. Let's see here how we address this.  
2 The revised phase two overlap with Boys and Girls Club  
3 lease, since this scenario is not included in the traffic  
4 study. Is that an accurate description of your traffic  
5 study?

6 A I would say no, because as I previously stated, I  
7 did not subtract out any of the traffic from the Boys and  
8 Girls Club at the surrounding intersections. That stayed in  
9 the traffic base. I just added on top of that.

10 MR. GROSSMAN: All right.

11 THE WITNESS: Maybe there's a little confusion  
12 here, because I think it relates to, again, transportation  
13 management plan, the coordination, et cetera, as to what  
14 happens on site. But it's, I over-estimated the traffic  
15 impact on the surrounding roadway system.

16 MR. GROSSMAN: All right.

17 BY MR. KLINE:

18 Q You were involved with the applicant and the civil  
19 engineers in designing the circulation system for the cuing?

20 A Right.

21 Q Do you have any observations about it, just before  
22 I ask you the sort of general questions?

23 A Well, I think we, as are laid out on, I believe  
24 there were two exhibits.

25 Q Right.

1           A       And the cuing distance there --

2                   MR. GROSSMAN:  You're talking about Exhibits 23A  
3   and B?

4                   MR. KLINE:  Yes.  We didn't mark them yet, but  
5   that's the right number, yes.

6                   MR. GROSSMAN:  All right.

7                   MR. KLINE:  23.  Yes.  The first of the exhibits  
8   shows the cuing area that's available for when just a single  
9   lane is considered.  And then ultimately we could add the  
10   second stacking lane to, when we get closer to the maximum,  
11   225 student population level.

12                   With these stacking distances, there would be  
13   adequate storage room for cars without flowing onto the  
14   external street system, i.e., Forest Glen Road.  And I just  
15   might point out that I'd worked on the Chestnut Hill School,  
16   I believe it was, in Bethesda.  And we used the two, we used  
17   the two cuing lines, parallel cuing lines.  And it works.

18                   But again, it comes down to management.  People have a  
19   tendency, you know, to sit and relax.  And sometimes  
20   you need staff to say, hey, move along here, so we don't  
21   have these big gaps between cars.  So when we're managing  
22   cues, it really is important to have the staff oversight and  
23   be involved in these.

24                   MR. GROSSMAN:  How much staff would be necessary  
25   to be outdoors managing it in this kind of situation?

1 First, phase one?

2 THE WITNESS: Well, you'd probably have, you know,  
3 you'd have someone helping right at the unloading, and then  
4 I would say that probably a maximum of three. And by that  
5 I'm saying --

6 MR. GROSSMAN: What about a minimum of --

7 THE WITNESS: Excuse me?

8 MR. GROSSMAN: -- what about a minimum of how  
9 many?

10 THE WITNESS: I would say about a minimum of two.

11 MR. GROSSMAN: For phase one?

12 THE WITNESS: Yes.

13 MR. GROSSMAN: And then what about phase two?

14 THE WITNESS: Again, assuming one person at the  
15 unload point, and I would say you need a second person when  
16 you get into the double cue, and then probably a third  
17 person for the cue right from Forest Glen Road.

18 MR. GROSSMAN: So, Mr. Kaufman, are you ready to  
19 supply three people?

20 MR. KAUFMAN: Ready and able.

21 MR. GROSSMAN: All right.

22 BY MR. KLINE:

23 Q Then it's your professional conclusion that the  
24 cuing will be adequate so no vehicles will back out onto  
25 Forest Glen Road?

1           A     With proper management, yes.

2           Q     Okay. And is this circulation system in either  
3 phase, both phases one and two, safe, adequate and efficient  
4 for making sure we have no conflicts with vehicles and  
5 students arriving?

6           A     Yes, I would say so. There is a break, obviously,  
7 for the departing vehicles to exit out toward Forest Glen  
8 Road. And so there's no reason why there should not be a  
9 smooth flow of traffic.

10          Q     The ordinance asks us, or asked you to conclude  
11 whether the traffic would cause a nuisance or an impact on  
12 the surrounding neighborhood. And your opinion on that  
13 would be?

14          A     No, it wouldn't. Again, I go back to this  
15 management. I want to come back to that a lot because that  
16 is important.

17          Q     And I mentioned the ability to exceed 87 students  
18 per acre is determined on, is additional traffic generated  
19 by the additional density over 87 student per acre will not  
20 adversely affect the surrounding streets. And that's your  
21 conclusion, that will occur?

22          A     Yes. Yes, it is, because I analyzed for the 225  
23 students, maximum student level.

24               MR. KLINE: I have no further questions of  
25 Mr. Hedberg.

1           MR. GROSSMAN: And will the proposed setup be safe  
2 for both vehicular and pedestrian traffic?

3           THE WITNESS: Yes, it will.

4           MR. GROSSMAN: Under all phases and under all  
5 situations?

6           THE WITNESS: Yes. There is going to be more  
7 sidewalks as the density is increased, and to provide access  
8 up the driveway and into the building.

9           MR. GROSSMAN: All right. And in response to  
10 Mr. Kline's question about traffic nuisance, this particular  
11 special exception has a provision that others do not which  
12 go beyond critical hour analysis. It covers the entire time  
13 that the school is in session. And does your answer pertain  
14 to the entire time the school is in session, that there will  
15 not be an adverse consequence by traffic on the community?

16          THE WITNESS: Yes, that's my conclusion.

17          MR. GROSSMAN: Okay.

18          THE WITNESS: Particularly, as was referenced, the  
19 availability of the additional parking for special events  
20 over at the Schweinhaut Center.

21          MR. GROSSMAN: Right. I used different, critical  
22 hour. I'm talking about peak hour. Most, of course, LATR  
23 talks about the peak hour and the peak period.

24          THE WITNESS: Right.

25          MR. GROSSMAN: But in private educational

1 institutions, special exceptions, they have a specific  
2 provision that talks about traffic impacts at all times.  
3 And so it goes beyond the LATR analysis.

4 THE WITNESS: Right.

5 MR. GROSSMAN: Okay.

6 THE WITNESS: I realize it's a stronger test.

7 MR. GROSSMAN: Okay. And it passes that stronger  
8 test?

9 THE WITNESS: Yes, it does.

10 MR. GROSSMAN: All right. And I take it that  
11 you'll work with Mr. Kline, Mr. Kaufman, and Mr. Meininger  
12 on a traffic management plan?

13 THE WITNESS: I will.

14 MR. GROSSMAN: All right. Mr. Meininger, did you  
15 have any questions of this witness?

16 MR. MEININGER: No, sir, I do not.

17 MR. GROSSMAN: All right. I see Ms. Cook is not  
18 in the room so I can't ask her. Anything further of this  
19 witness?

20 MR. KLINE: No, sir.

21 MR. GROSSMAN: All right. Thank you, Mr. Hedberg.  
22 Don't let it go to your head that you got to be the number  
23 two witness here.

24 THE WITNESS: I've never done so.

25 MR. GROSSMAN: All right. Let's take a break here

1     until, it's now about 11:37, until 11:45.

2                     (Whereupon, at 11:37 a.m., a brief recess was  
3     taken.)

4                     MR. GROSSMAN: Back on the record. You may call  
5     your next witness, Mr. Kline.

6                     MR. KLINE: Mr. Smith, when you're ready, would  
7     you give us your name and professional address?

8                     MR. SMITH: My name is Aaron Smith. I work for A.  
9     Morton Thomas and Associates, a civil engineering firm  
10    located at 12750 Twinbrook Parkway, Rockville, Maryland.

11                    MR. GROSSMAN: All right. Mr. Smith, would you  
12    raise your right hand, please?

13                    (Witness sworn.)

14                    MR. GROSSMAN: All right. You may proceed,  
15    Mr. Kline.

16                                     DIRECT EXAMINATION

17                    BY MR. KLINE:

18            Q     Mr. Smith, what is your profession?

19            A     I'm a civil engineer.

20            Q     And have you ever qualified before this hearing  
21    examiner or some other similar board or agency as an expert  
22    in the field of civil engineering?

23            A     I have not.

24            Q     Okay. Well then tell us something about your  
25    educational background?



1           A     I have a bachelor's of science in civil  
2     engineering from University of Notre Dame and a master's of  
3     engineering from the University of Maryland.

4           Q     And how long, when did you acquire those, or how  
5     long have you practiced civil engineering?

6           A     Sure. I've practiced civil engineering for 14  
7     years. I actually got my bachelor's in 1997, and my  
8     master's in 2002.

9           Q     And you're presently employed by A. Morton Thomas?

10          A     That's correct.

11          Q     Okay. Just basically tell us your progression  
12     through the firm or what titles you've held in the firm.

13          A     Sure. I've been with A. Morton Thomas for nine  
14     years. I was hired on as a project engineer. I've since  
15     been promoted to project manager, and I'm currently an  
16     associate with the firm.

17          Q     What is the scope of your responsibilities with  
18     the firm, and then generally speaking, and then  
19     specifically, this project?

20          A     Sure. With A. Morton Thomas, as an associate, I  
21     manage a staff of four people. I manage projects, as well  
22     as the staff. For this particular project I am, I have the  
23     role of project manager, overseeing the design on a day to  
24     day basis.

25          Q     Can you name a project in Montgomery County we

1 might all be familiar with that you've had sort of lead  
2 responsibility for that was comparable to the Siena School  
3 project?

4 A Sure. Grace Episcopal Day School.

5 Q On Connecticut Avenue?

6 A On Connecticut Avenue. It was a project that I  
7 worked on primarily as a project engineer. It involved the  
8 addition to a private school.

9 Q Not one that unfortunately required a special  
10 exception in this case, right?

11 A No.

12 Q Yes, I'm sure. You're registered as a civil  
13 engineer in which jurisdictions?

14 A I'm registered in Maryland, Virginia, and the  
15 District of Columbia.

16 Q And have you made presentations to the Montgomery  
17 County Planning Board?

18 A I have participated in presentations to the  
19 Planning Board.

20 MR. KLINE: Mr. Grossman, based on Mr. Smith's  
21 years of experience, his professional training and  
22 experience particularly, I'd like to offer him as an expert  
23 in the field of civil engineering.

24 MR. GROSSMAN: Mr. Meininger, do you have any  
25 questions of this witness as to his expertise?

1 MR. MEININGER: No, sir, I do not.

2 MR. GROSSMAN: All right. Based on Mr. Smith's  
3 background as indicated in his resume which has been handed  
4 to us as Exhibit 26, and his testimony as to his  
5 qualifications, I accept him as an expert in civil  
6 engineering. All right. You may proceed, Mr. Kline.

7 (Exhibit No. 26 was  
8 marked for identification.)

9 BY MR. KLINE:

10 Q Well, you were talking about basically what you do  
11 with the project. And with regard to this project, just  
12 kind of give us an overview of your responsibilities for the  
13 preparation of the plans that we've got here today that  
14 you'll be using as experts, or I'm sorry, as exhibits?

15 A As the project manager on the project, I've worked  
16 with our project engineer in the development of all the  
17 exhibits that were presented today, as well as our landscape  
18 architecture department in the development of the NRIFSD  
19 forest conservation plan.

20 Q And you mentioned the NRIFSD, and I see you posted  
21 Exhibit 6A, which is sheet one of the NRI. Did you want to  
22 use that to tell us something about the features of the  
23 property as it exists today?

24 A Yes. I just wanted to run quickly through the  
25 existing conditions as probably the best plan to use. As we

1 discussed, it's a unique project in that the Boys and Girls  
2 property is about 1.2 acres, and it's surrounded by the  
3 leased area from Parks and Planning.

4 The existing site, the 1.2 acres includes the  
5 building and portions of the athletic field adjacent on the  
6 left side. And the parking and access is almost exclusively  
7 on the leased area from Parks and Planning.

8 There are, there is existing forested area on the  
9 site that will not be impacted as part of the project, and  
10 there is --

11 Q And let me just ask you, looking at Exhibit 6A, is  
12 that finger, shaded finger I see up in the middle of the  
13 site, is that the edge area of the vegetation?

14 A Yes, that is one of the forest stands identified,  
15 and actually, primarily the only forest stand on, within the  
16 special exception area. It's surrounded by some forested  
17 areas that are Parks and Planning.

18 MR. GROSSMAN: I guess we should clarify, for the  
19 record. Mr. Kline used the term NRI, which is short for  
20 NRIFSD, which is short for natural resource inventory forest  
21 stand delineation, which is a required filing in these  
22 cases. Go ahead.

23 BY MR. KLINE:

24 Q Mention topography also, because that becomes kind  
25 of an interesting cue later on when we deal with the height

1 issue. So just tell us about the general overall topography  
2 on the property?

3 A Sure. The site generally, there's a fair amount  
4 of elevation change on the site. The school building  
5 adjacent to Forest Glen Road is at an elevation. The  
6 elevation then rises away from Forest Glen Road towards the  
7 Capital Beltway to the south. It then drops off  
8 significantly to the west, to the lower playing fields. So  
9 there is a rather significant grade on the access drive  
10 leading into the property from Forest Glen Drive.

11 The parking lot in the back, on the southern end  
12 of the property is fairly level, as you'd expect the parking  
13 lot to be. And obviously the fields, once you make that  
14 elevation drop from east to west are level, and generally  
15 draining towards, everything obviously drains towards Sligo  
16 Creek to the west.

17 MR. KLINE: Okay. Can you put up the special  
18 exception plan for me? Mr. Grossman, I mentioned earlier, I  
19 have a copy of what I thought was a transmittal to you in  
20 October sending you a revised special exception plan. But  
21 as I look at the exhibit list, either it somehow didn't get  
22 in the exhibit list, or I didn't get it to you. I'm not  
23 sure which. But what I'd like to do is make this exhibit,  
24 I'm sorry, make these sheets exhibits in the record of the  
25 case.

1           MR. GROSSMAN: All right. We do have, received  
2   October 12, '11, a letter dated October 11, '11, from you  
3   transmitting the LATR review and the PAMR review. I don't  
4   see anything other than that.

5           MR. KLINE: I have a copy of a letter --

6           MR. GROSSMAN: No, here's another one.  
7   October 12, '11. The following documents to be incorporated  
8   in the case file amended petition for special exception and  
9   the owners of the property. I don't see any --

10          MR. KLINE: Well, there was supposed to be another  
11   transmittal that day that had revised site plan --

12          MR. GROSSMAN: I see.

13          MR. KLINE: -- landscaping plan, and the phasing,  
14   the circulation plans that I showed you today.

15          MR. GROSSMAN: That we didn't -- I see.

16          MR. KLINE: Either I didn't get it to you or  
17   somehow it got lost between my office and yours.

18          MR. GROSSMAN: Okay. Is that also, did that also  
19   included amended lighting plan, or is that --

20          MR. KLINE: The photometric plan, I believe, was  
21   transmitted at a later date. It was certainly transmitted  
22   to you in the last 48 hours, but I --

23          MR. GROSSMAN: I don't think so.

24          MR. KLINE: Yes. I don't see that in the exhibit  
25   record either. So the one that you actually -- I'm going to

1 have to ask Mr. Smith about that when we get to it.

2 MR. GROSSMAN: All right.

3 MR. KLINE: But in any event, I'd ask that the  
4 phase one and phase two special exception plan --

5 MR. GROSSMAN: Okay.

6 MR. KLINE: -- and the landscaping plan.

7 Actually, I guess we just have --

8 MR. GROSSMAN: So let's mark them as -- all right.  
9 So Exhibit 27. You have your special exception plan is in  
10 two pages.

11 (Exhibit Nos. 27A and 27B were  
12 marked for identification.)

13 MR. KLINE: It is, right.

14 MR. GROSSMAN: All right. So we'll say --

15 MR. KLINE: That suggests phase one only --

16 MR. GROSSMAN: All right. 27A is phase one site  
17 plan.

18 MR. KLINE: Yes, sir.

19 MR. GROSSMAN: And 27B is phase two/phase three?

20 MR. KLINE: Well, it doesn't say that. It's  
21 actually the end state, so it just says, special exception  
22 site plan.

23 MR. GROSSMAN: All right. So 27B is, does it say  
24 end state on it? Is that what it says?

25 MR. KLINE: It does not. It says, sheet SE-1.

1           MR. GROSSMAN: Okay. We'll just call it final  
2 site plan. How's that? Site plan. And sheet SE-1 it is?

3           MR. KLINE: Yes, sir. The previous one is sheet  
4 SE-2.

5           MR. GROSSMAN: Okay. So we have SE-2 coming  
6 before SE-1 here.

7           MR. KLINE: The only reason I did that was because  
8 one showed the way it is today, and then the second one is  
9 the end state. And then sheet LS-101 --

10          MR. GROSSMAN: Well, wait a minute. Which one is  
11 it? You said the phase one site plan, 27A, is the one  
12 that's SE-2 is what you said to me. Is that wrong?

13          MR. KLINE: 27A is phase one.

14          MR. GROSSMAN: That's phase one, and that's SE-2?

15          MR. KLINE: SE-2, yes, sir.

16          MR. GROSSMAN: And then the final site plan is  
17 SE-1 even though that's essentially -- and that's sheet  
18 SE-1. Okay. All right. So then you have a landscape plan  
19 or something?

20          MR. KLINE: Yes, sir.

21          MR. GROSSMAN: And that's 28. How many pages is  
22 that one?

23                               (Exhibit No. 28 was  
24                               marked for identification.)

25          MR. KLINE: It's a single page.



1           MR. GROSSMAN: All right. So landscape plan, 28.  
2 I guess it's a revised landscape plan. Is that --

3           MR. KLINE: It is revised.

4           MR. GROSSMAN: All right; so, revised --

5           MR. KLINE: Revision date of October 11, 2011.

6           MR. GROSSMAN: -- landscape plan. And I guess  
7 Exhibits 27A and B, are those revised plans as well?

8           MR. KLINE: Yes, sir.

9           MR. GROSSMAN: All right. So we'll call 27A as  
10 revised phase one site plan. And B is also, is revised  
11 final site plan. Okay.

12           BY MR. KLINE:

13           Q     Mr. Smith, is there much engineering involved with  
14 phase one?

15           A     No. Phase one, the site engineering is limited.  
16 There will be a new, something that hasn't been mentioned  
17 yet in the hearing, there will be a new water service to the  
18 building in order to meet fire codes, as part of the  
19 renovation.

20                     Otherwise, the site improvements will be limited  
21 to re-striping of the parking lot and some improvements  
22 around the exterior of the building to introduce some new  
23 entrances to the renovated building.

24                     And one of the comments by staff was to create a  
25 sidewalk connection from the public sidewalk on Forest Glen

1 Road. And so that will be done as part of phase one, as  
2 well.

3 MR. GROSSMAN: All right.

4 BY MR. KLINE:

5 Q Is this the best time to talk about the walkway to  
6 the athletic fields and how you are going to illuminate  
7 that?

8 A Sure. As one of the conditions of the staff  
9 approval, there was some concern about the lighting of,  
10 under phase one, the lighting of an existing walkway access  
11 to the lower fields from the upper parking lot. That  
12 walkway is located here on the south end of the existing  
13 building.

14 Q Okay. And you're pointing at Exhibit 27A right  
15 now?

16 A Right, Exhibit 27A adjacent to the existing pool.  
17 So west of the existing pool and south of the existing  
18 building there's a walkway that provides access to the lower  
19 fields. And under the phase one there was some concern by  
20 staff that that would be properly illuminated. We see their  
21 concern and we proposed a building mounted light fixture on  
22 the existing building wall in that area which will  
23 illuminate the walkway, essentially, shining away from the  
24 existing building towards the capital beltway and the  
25 walkway.

1           MR. GROSSMAN: All right. And is that reflected  
2 on that exhibit, the new lighting?

3           THE WITNESS: It's not currently reflected on this  
4 exhibit, but it is something that we accept as one of the  
5 comments made by staff.

6           MR. GROSSMAN: Is there an exhibit that reflects  
7 the new lighting?

8           MR. KLINE: There would not be. I was thinking I  
9 would go ahead and add it into the statement of operations,  
10 amended statement of operations.

11          MR. GROSSMAN: I mean, when they come out to  
12 inspect, they're going to have to have -- the site plan is  
13 going to have to show whatever the lighting is. And so  
14 they'll look for --

15          MR. KLINE: We could prepare and submit an exhibit  
16 to you basically showing where that would be located, and  
17 the type of fixture. And in fact, Mr. Wheeler will give you  
18 the details about the fixture.

19          MR. GROSSMAN: Okay. What I'm saying is that  
20 you're going to need to submit a revised site plan that's  
21 going to show, or if you have a separate lighting plan,  
22 something that shows that you have, where you have every  
23 fixture that you propose on it.

24          MR. KLINE: Yes.

25          MR. CARR: I thought the revised site plan had it,

1 the light fixture?

2 THE WITNESS: It may have. I don't know that it's  
3 shown on this particular plan.

4 MR. GROSSMAN: Well this is the particular plan,  
5 isn't it? I mean, that's my question. If this is being  
6 submitted as the revised site plan?

7 MR. KLINE: We will submit something to you that  
8 has that on there.

9 MR. GROSSMAN: All right.

10 BY MR. KLINE:

11 Q Let me take care of some of the mechanical stuff.  
12 How does this project comply with the forest conservation  
13 law?

14 A It is subject to the forest conservation law, but  
15 it qualifies for an exemption from forest conservation, due  
16 to the fact that it's not impacting existing forested areas.  
17 So forest conservation measures are essentially to protect  
18 the existing. And there will be tree protection fencing,  
19 some root pruning and signage to protect existing vegetation  
20 in place.

21 MR. GROSSMAN: I notice that your, it says here  
22 that Exhibit 6D and E are forest conservation exemption  
23 plans. What are they? They usually have, if you have an  
24 exemption, you don't have the plans, right, additional  
25 plans? What are the forest conservation exemption plans?

1           THE WITNESS: I just want to take a look at, make  
2   sure we're looking at the same plan.

3           BY MR. KLINE:

4           Q     You would have to make an application to qualify  
5   for the exemption, would you not?

6           A     Right. So --

7           MR. GROSSMAN: Usually that's based on the NRIFSD,  
8   isn't it?

9           THE WITNESS: It is. We submitted the plan. One  
10   thing to note that they are actually, it's part of the  
11   NRIFSD because we are leasing some property from Parks and  
12   Planning, parks staff required that we do both, do an NRIFSD  
13   for the Boys and Girls Club property, but also -- for the  
14   special exception area, but also do a simplified NRIFSD for  
15   the entire parcel of Parks and Planning which extends  
16   actually across the beltway and includes portions of the  
17   Sligo Creek Golf Course.

18           So subsequent to that, we provided forest  
19   conservation exemption plans showing the worksheets for  
20   those, for those properties.

21           MR. GROSSMAN: For the extended area, the entire  
22   area?

23           THE WITNESS: Right.

24           MR. GROSSMAN: Okay.

25           THE WITNESS: And as to why we did in this case,

1 and maybe not in other cases, I don't know the specifics of  
2 why we did that, but it may have been a comment from staff,  
3 they wanted to make sure they had a record of everything  
4 from parks.

5 MR. KLINE: Mr. Grossman, this is a copy of the  
6 exhibit in the record, in the file. And you can see what  
7 Mr. Smith is talking about.

8 MR. GROSSMAN: Right.

9 MR. KLINE: The property relative to the beltway  
10 going on the southern edge, how much area we had to cover  
11 beyond that. It made us rethink whether we wanted to lease  
12 any land from Parks and Planning.

13 MR. GROSSMAN: So, but the bottom line now is that  
14 for the subject site, which includes both the leased area  
15 and the owned area, it would be, you have a letter with a  
16 forest conservation exemption, is that correct?

17 THE WITNESS: Correct.

18 MR. GROSSMAN: Okay. And that's Exhibit 6C in the  
19 file, dated July 25, '11. All right.

20 BY MR. KLINE:

21 Q Mr. Smith, by providing Mr. Grossman a letter from  
22 DPS, would you just describe your storm water management  
23 concept in this review and acceptance by the County?

24 A Yes. The storm water management concept has been  
25 approved by the Department of Permitting Services. It will

1 be, storm water management will be constructed as part of  
2 phase two of construction. Storm water management measures  
3 include micro-bioretenention areas.

4 One area on the south end of the property, in the  
5 proposed, middle of the proposed parking lot; a micro-  
6 bioretention area to the west of the existing building,  
7 adjacent to the lower play fields. There will also be a  
8 grass swale along the north side of the property adjacent to  
9 Forest Glen Road, providing treatment for the new sidewalk  
10 along the frontage of the property.

11 There will be green roof on the new building  
12 addition being constructed over the existing pool. And  
13 there will also be porous pavement in the proposed parking  
14 area, in designated parking spots, in order to meet the  
15 requirements.

16 MR. GROSSMAN: All right. The letter from DPS  
17 accepting your storm water management concept plan is marked  
18 as Exhibit 29. That's the letter of December 1, 2011. And  
19 your storm water management concept plan is in the record.  
20 Is it? I think so.

21 (Exhibit No. 29 was  
22 marked for identification.)

23 MR. KLINE: Yes.

24 MR. GROSSMAN: Yes, as Exhibit 8. That hasn't  
25 changed. Okay.

1 BY MR. KLINE:

2 Q Mr. Smith, there was a staff recommendation that  
3 we had an additional tree to get canopy coverage over the  
4 parking lot. And that was accomplished with the landscaping  
5 plan that I marked as an exhibit a second ago?

6 A We will be, we will add a tree, and that will  
7 require a revised plan as well.

8 MR. GROSSMAN: Okay. So that's not in Exhibit 28?

9 THE WITNESS: It's not in the current exhibit.

10 MR. GROSSMAN: All right.

11 BY MR. KLINE:

12 Q I was going to have you, well, are there any other  
13 engineering issues related to later phases? We're looking  
14 at 27B. I know there was a suggestion, exhibit condition 13  
15 that we addressed, ADA access. And you've indicated to me  
16 that that's essentially solved by other work that's done as  
17 part of phase two. Can you explain what that is?

18 A Sure. There was a comment regarding ADA access  
19 from the proposed ADA parking spaces to the building. That  
20 will be addressed under both phase one and phase two. Under  
21 phase one, it's Exhibit 27A, we designated ADA parking  
22 adjacent to the, I guess just east of the existing pool.  
23 There will be an ADA compliant path from those parking  
24 spaces to the new entrance that's going to be part of,  
25 introduced as part of the renovation of the building on the



1 south side of the existing structure.

2 Under phase two, there will be ADA compliant  
3 parking to the south of both the existing building and  
4 proposed building addition. And there will be an ADA  
5 compliant path then to the main entrance, which is located  
6 at the southeast corner of the new building addition.

7 There will also be, as part of that compliant  
8 path, there will be an ADA curb ramp running from the  
9 parking lot to the sidewalk in front of the building.

10 Q Why don't you stay up there for a second. So  
11 essentially, condition number 13 has been addressed then, by  
12 these plans?

13 A Yes, they are.

14 Q Fine. While you're up looking at Exhibit 27B --

15 MR. GROSSMAN: I guess I should ask, has it been  
16 addressed in these plans, or is it something that will have  
17 to be added --

18 THE WITNESS: No, it is addressed in these plans.

19 MR. GROSSMAN: Okay.

20 BY MR. KLINE:

21 Q Using Exhibit 27B, and I see you've got parking  
22 tabulations on there, just show us where the parking is  
23 located and how it's expanding between phase one and phase  
24 two?

25 A Okay. Under phase one, we are not, we are only

1 re-stripping the parking lot. There will be designated  
2 parallel parking spaces along the east side of, Omaha Beach  
3 Drive, along the access drive.

4           The main parking lot in the south end of the  
5 property will also be re-stripped to introduce a parking  
6 island in the center, parking along the south end of the,  
7 adjacent to the pool area, and then the ADA parking spaces  
8 that were just previously mentioned.

9           Under phase two, the access drive coming in will  
10 be widened slightly to introduce head in parking along the  
11 east side of the building. And the back parking lot will  
12 also be reconfigured to introduce the micro-bioretenion  
13 area in the center. That will also be expanded slightly to  
14 the south to add additional head in parking along the south  
15 end of the property.

16           MR. GROSSMAN: All right. Now at the very  
17 beginning of this session there was a little colloquy  
18 between Mr. Kline and myself as to whether or not a parking  
19 waiver was needed. Just a question about where your, once  
20 you have this parking set up, the one which it was thought  
21 might require a waiver, if, in fact, the property line is  
22 counted as the extent of the leased area, would you be,  
23 would you meet the setback requirements for, set forth in  
24 59-E-2.83 or whatever. I think that's the section. Or  
25 would you still need a waiver?

1           MR. KLINE: We're in the R -- in the zone we're  
2 in, we would need, I believe, because it doubles the  
3 requirement, since it's a side yard, it would be 16 feet, I  
4 think, at a minimum. And we don't have, obviously, 16 feet  
5 between the property line and the parking bay, if that  
6 answers your question.

7           MR. GROSSMAN: I'm talking about, not the -- I  
8 know you felt you needed a waiver because you had that  
9 straddling, you were straddling the line. You were right on  
10 the line between the property line and the leased area.  
11 But I'm saying, if you counted the leased area, the extent  
12 of the leased area, do you have 16 feet from the parking  
13 area to the extent of the leased areas?

14          THE WITNESS: Actually, I think we would still,  
15 the leased area is essentially the edge of pavement on the  
16 east side of the property where we are designating parallel  
17 parking spaces. So I think even under the condition where  
18 we held the leasehold limits as our property line, we would  
19 still require the waiver to have the parallel parking  
20 spaces.

21          MR. GROSSMAN: So the waiver you are requesting is  
22 actually, I mean, as I understood it, the waiver that you  
23 were requesting was the waiver for the parking area that  
24 straddled the property line and the leased area. But you  
25 actually, also need a waiver for the parking spaces adjacent

1 to the limit, the outer limit of the leased area?

2 MR. KLINE: That appears to be the case. Yes,  
3 sir.

4 MR. GROSSMAN: Okay.

5 BY MR. KLINE:

6 Q And maybe what we ought to do is, I would ask Mr.  
7 Smith, and what's going on to the east of us? What's the  
8 impact on what's there?

9 A To the east of the property you actually have a  
10 fairly steep slope up to an existing ball field. And this  
11 area currently functioning as parking for the Boys and Girls  
12 Club, and as Parks and Planning property, there is parallel  
13 parking along that edge currently.

14 MR. GROSSMAN: All right.

15 BY MR. KLINE:

16 Q And then beyond the athletic fields, you would  
17 have a parking lot to serve the Schweinhaut Center as well?

18 A Correct.

19 MR. GROSSMAN: Where is the Schweinhaut Center  
20 located on this?

21 BY MR. KLINE:

22 Q It's Exhibit number 10, Mr. Smith.

23 A So the Schweinhaut Center is part of, I believe,  
24 and I haven't looked, to be honest with you, much beyond our  
25 property line, is part of the Parks and Planning property

1     which extends up Forest Glen Road, between Forest Glen Road  
2     and the beltway.

3             MR. GROSSMAN:   So you're saying it's directly east  
4     of the subject site?

5             THE WITNESS:   Correct.

6             MR. KLINE:    It's on the property directly.   We  
7     have in here a photograph in my briefcase, if you want me to  
8     get that and put it into the record.

9             MR. GROSSMAN:   Is there a photograph in the record  
10    of the area?

11            MR. KLINE:    No, sir.   There is not.

12            MR. GROSSMAN:   I think that we should have a  
13    photograph in here anyway.

14            THE WITNESS:   I should also mention, the property  
15    boundary here on the east side is not only a steep elevation  
16    change going up to the play field, but it's also heavily  
17    forested.

18            MR. GROSSMAN:   All right.

19            THE WITNESS:   There's really no visual connection  
20    between the two.

21            MR. KLINE:    Mr. Grossman, I can't put my hand on  
22    the photo that I thought I had, but I see that on attachment  
23    one of the staff report, which is on page 21, starts getting  
24    closer.

25            (Discussion off the record.)

1           MR. KLINE: It gives you a sense of the ball field  
2 that Mr. Smith was talking about, and then the beginning of  
3 the Schweinhaut Center further to the east.

4           MR. GROSSMAN: I see a ball field. You're saying  
5 that the, in looking at attachment one to the staff report,  
6 that the Schweinhaut Center is the building to the east,  
7 east/northeast of the ball field?

8           MR. KAUFMAN: That's right. It's the large  
9 building, and there is that small building that has a little  
10 theater, but it's the large building in the corner, upper  
11 right hand corner of the --

12          MR. KLINE: And that was Mr. Kaufman providing  
13 that answer.

14          MR. GROSSMAN: Mr. Kaufman, is that, what is the  
15 smaller building there?

16          MR. KAUFMAN: It's sort of a big empty building  
17 sometimes leased by the County as a theater.

18          MR. GROSSMAN: Okay. I notice, Mr. Kline, that  
19 there are photographs, ground level photographs attached as  
20 attachment four, specifically the site photographs. Do we  
21 know who took those photographs, or are those done by staff?

22          MR. KLINE: That would be from Ms. Kamen --

23          MR. GROSSMAN: Okay.

24          MR. KLINE: -- based on her site visit.

25          MR. GROSSMAN: All right. Mr. Kaufman, you are

1 still under oath. Can you confirm that those, the captions  
2 on those photographs, attachment four to the staff report,  
3 accurately reflect what is depicted in the picture?

4 MR. KAUFMAN: Let me take a look. Yes, those are  
5 accurate.

6 MR. GROSSMAN: Okay. All right. Next question.

7 BY MR. KLINE:

8 Q In the category of sort of technical issues, is  
9 sewer and water service going to be adequate to handle the  
10 expanded facility in this location?

11 A Yes, it will. As previously mentioned, we'll have  
12 a new water service constructed under phase one to meet the  
13 fire requirements. Otherwise there are adequate, adequate  
14 facilities.

15 Q Because we're in, I'll say, a sensitive  
16 environmental area with Sligo Creek Parkway around us, will  
17 the amount of land disturbance encroach into the area, in  
18 the creek area, and/or have any adverse environmental  
19 impacts on the stream valley?

20 A It will not encroach on the stream valley, and  
21 there will be no adverse impacts. In fact, there will be,  
22 as part of this project, an environmental benefit to Sligo  
23 Creek in that under the existing condition there is a, the  
24 existing paved parking lot goes completely untreated.

25 Under the phase two construction where storm water

1 management is introduced, that parking lot, as well as the  
2 access drive and the new building addition, all of the  
3 disturbed area under the phase two construction, will be  
4 treated and will provide benefit to Sligo, since we are  
5 immediately adjacent to Sligo Creek, will actually provide a  
6 very direct benefit to the waterway.

7 MR. GROSSMAN: Is this subject site in a special  
8 protection area?

9 THE WITNESS: It is not.

10 MR. GROSSMAN: Is it in a primary management area?

11 THE WITNESS: It is not.

12 MR. GROSSMAN: Okay.

13 BY MR. KLINE:

14 Q Exhibit 27B has a fairly detailed development  
15 standards table. Does the use meet all the development  
16 standards of the underlying zone and the special exception  
17 use?

18 A Yes, it does.

19 Q Mr. Smith, in your professional opinion, will the  
20 proposed use from an engineering perspective be detrimental  
21 to the use or development of surrounding properties?

22 A No, it will not.

23 Q Is there anything that you've been able to  
24 identify in your research that would show whether there  
25 would be an adverse impact on surrounding properties by the



1 proposed use from an engineering point of view?

2 A No.

3 MR. KLINE: No further questions of Mr. Smith.

4 MR. GROSSMAN: Mr. Meininger, do you have any  
5 questions of Mr. Smith?

6 MR. MEININGER: I'm impressed with the detail of  
7 information, and I do not have any questions.

8 MR. GROSSMAN: All right. I don't think I have  
9 any either at this time, so thank you, Mr. Smith, and  
10 congratulations on the first certification as an expert  
11 witness.

12 THE WITNESS: Thank you.

13 MR. GROSSMAN: You can now go home and tell your  
14 wife, if you have one, if not, your friends, that you are an  
15 expert, and so what you say goes.

16 THE WITNESS: That sounds good. Thank you.

17 MR. GROSSMAN: All right. Your next witness.

18 MR. KLINE: Mr. Wheeler.

19 MR. WHEELER: My name is Tom Wheeler. I'm  
20 employed by Cox, Graae, Spack Architects at 2909 M Street,  
21 Northwest, in Washington, D.C.

22 MR. GROSSMAN: Would you raise your right hand,  
23 please?

24 (Witness sworn.)

25 MR. GROSSMAN: All right. You may proceed,

1 Mr. Kline.

2 MR. KLINE: I have a resume for you, Mr. Grossman.  
3 I've just got to remember which pile I put it in.

4 MR. GROSSMAN: My wife accuses me of having a  
5 piling system also. So this will be Exhibit 30. Wheeler  
6 resume. Mr. Kline.

7 (Exhibit No. 30 was  
8 marked for identification.)

9 DIRECT EXAMINATION

10 BY MR. KLINE:

11 Q Mr. Wheeler, your profession, sir?

12 A I am a registered architect.

13 Q Have you ever qualified as an expert in the field  
14 of architecture before Mr. Grossman or in a similar board  
15 situation?

16 A No, I have not.

17 Q You've heard how we did this with Mr. Smith?

18 A Uh-huh.

19 Q Just tell us about your educational background and  
20 how far back that was?

21 A Okay. Sure. I hold both a bachelor of science  
22 degree in architecture, as well as a graduate degree in  
23 architecture, both from the University of Maryland at  
24 College Park. And I graduated, received my master's degree  
25 in 1991.

1           Q     And you've been practicing architecture during,  
2     since that time?

3           A     That's correct. 20 years.

4           Q     And just tell us sort of where you've been and  
5     what you've done?

6           A     Uh-huh. I've been with my current firm for 15  
7     years. Before that I was with the firm of AI, AI Boggs,  
8     actually, at the time in downtown D.C. They are specialized  
9     in mostly commercial work, commercial interiors, as well as  
10    some base building commercial work.

11                Since coming to this firm, I was hired in as an  
12    intern architect, subsequently received my registration, and  
13    then worked my way up through a project architect being  
14    responsible for design and development of documents to  
15    project management. I'm currently an associate principal  
16    and partial owner of the firm for the last four years.

17           Q     And does your firm specialize in any particular  
18    segment of the field of architecture?

19           A     We have had a large focus for the last probably 15  
20    years in independent schools throughout the D.C. and  
21    metropolitan area, Virginia, D.C., and Maryland.

22           Q     Could you name a project that we in the room may  
23    be familiar with that you've been intimately involved in?

24           A     Sure. Unlike Mr. Smith, I haven't personally done  
25    any projects in Maryland. Our firm has, but several

1 independent schools I've worked on are the Fields School  
2 that Mr. Kaufman used to be associated with, the Maret  
3 School, Washington International School, and then in  
4 Arlington, the Reed School project.

5 Q And your, the scope of your responsibility there,  
6 relate that to what you've been responsible for dealing with  
7 the Siena School?

8 A Sure. On those projects I worked -- all these  
9 projects take many years, so both as project architect and  
10 project manager. On the Siena School project I'm serving  
11 both of those roles, developing the documents as well as  
12 managing the day to day operations of the project, both in  
13 house as well as with our consultant team and the owner's  
14 side.

15 Q And that gets you both into, I guess into design  
16 as well as management of other people who are actually  
17 putting pencil on paper?

18 A That's correct.

19 Q What jurisdictions are you registered in?

20 A I'm registered in the State of Virginia and the  
21 District of Columbia.

22 MR. GROSSMAN: But not in Maryland?

23 THE WITNESS: I personally am not registered in  
24 Maryland. We have five partners in the firm, and we sort of  
25 distribute the registrations among us. So we have several

1 partners that are registered in Maryland.

2 MR. GROSSMAN: I take it that architectural  
3 science does not differ from Virginia to Maryland and the  
4 District?

5 THE WITNESS: It does not, not substantially. All  
6 of them are governed by, obviously, local zoning  
7 requirements that differ from one jurisdiction to the other.  
8 Building codes are under, you know, national and  
9 international code requirements with local modification. So  
10 it's pretty much consistent.

11 MR. GROSSMAN: All right.

12 BY MR. KLINE:

13 Q Would you call architecture a science or an art  
14 form?

15 A We call it a practice because we never get perfect  
16 at it. I think it's a little bit of both. Yes.

17 Q Sure. You're a member of what professional  
18 associations?

19 A I'm a member of the American Institute of  
20 Architects, the District of Columbia Building Industries  
21 Association.

22 MR. KLINE: Mr. Grossman, based on Mr. Wheeler's  
23 experience, years of practice, and his specialty in private  
24 educational institutions, I'd like to offer him as an expert  
25 in the field of architecture to this project.

1                   MR. GROSSMAN: Mr. Meininger, do you have any  
2 questions of this witness regarding his qualifications as an  
3 expert?

4                   MR. MEININGER: I do not.

5                   MR. GROSSMAN: All right. Based on Mr. Wheeler's  
6 resume, his experience, his education and background, I  
7 accept him as an expert in architecture.

8                   BY MR. KLINE:

9           Q       Mr. Wheeler, I'm going to kind of let you do this  
10 as you would like to do it.

11          A       Okay.

12          Q       I've got your boards here.

13          A       Right.

14          Q       You tell me what you want to put up there, but  
15 basically what we'd like you to do is kind of take us from  
16 what you've got today, a shell building --

17          A       Yes.

18          Q       -- and basically, what you'll be doing in phase  
19 one and then later in phases.

20          A       Sure. I'd be happy to. I'll start using Exhibit  
21 27, 27A, which is the existing conditions plan. And from an  
22 architectural standpoint, our work in phase one is going to  
23 be isolated largely to the interior of the building.

24                   The existing building is approximately 20,000  
25 square feet, and the lower level has a series of large open

1 activity spaces.

2 MR. GROSSMAN: Let me interrupt for a second. We  
3 didn't mark that as an existing conditions plan. We marked  
4 it as the revised phase one site plan.

5 THE WITNESS: Right.

6 MR. GROSSMAN: Which you're not going to be  
7 changing, I guess you're going to be doing interior work in  
8 the building. But it's not exactly the existing conditions  
9 plan, correct?

10 MR. KLINE: Correct. There is actually a separate  
11 existing conditions plan, but to that extent the footprints  
12 are identical.

13 MR. GROSSMAN: Right.

14 THE WITNESS: The footprints are identical,  
15 correct.

16 MR. GROSSMAN: All right.

17 THE WITNESS: So our work in phase one is going to  
18 be isolated to the interior of the building with the  
19 exception of a new entrance to the north along Forest Glen  
20 Road, and then a modification to the entrance on the  
21 southeast corner of the building near the handicapped  
22 parking area.

23 Phase two, looking at Exhibit 27B, will entail a  
24 new two-story addition plus cellar to the south side of the  
25 building. I've brought some other boards that are already

1 part of the exhibit list.

2 MR. KLINE: We're in section four, Mr. Grossman,  
3 of the elevations.

4 MR. GROSSMAN: Right.

5 THE WITNESS: Right. I looked at the exhibit list  
6 and tried to write down. Is this the correct number,  
7 Exhibit 2.C.I5. Maybe I was looking at a different exhibit  
8 list.

9 MR. GROSSMAN: You were looking at something else.

10 THE WITNESS: I was looking at something else.  
11 Okay.

12 MR. GROSSMAN: This would be 4. The existing  
13 elevations are 4D and E.

14 THE WITNESS: Yes. This is phase two --

15 MR. GROSSMAN: Oh, phase two?

16 THE WITNESS: -- perspective. Yes.

17 MR. GROSSMAN: All right. That's 4I and J, the  
18 phase two elevations, and the perspective --

19 THE WITNESS: Right.

20 MR. GROSSMAN: -- renderings?

21 THE WITNESS: Yes. This is K and L.

22 MR. GROSSMAN: Okay, K and L, right.

23 THE WITNESS: So 4K and L.

24 MR. GROSSMAN: All right.

25 THE WITNESS: So this first perspective of the



1 eastern corner of the building shows the new two-story  
2 addition, and then the existing elevation along Omaha to the  
3 side. The addition is approached --

4 MR. GROSSMAN: When you say, to this side, for the  
5 record --

6 THE WITNESS: I'm sorry.

7 MR. GROSSMAN: -- which side is it?

8 THE WITNESS: To the Omaha side --

9 MR. GROSSMAN: Okay.

10 THE WITNESS: -- of the building. That's right.  
11 I've got to get into using the exact terminology.

12 MR. GROSSMAN: Now that you've been certified as  
13 an expert, you've got to use that expert language.

14 THE WITNESS: That's right. Exactly.

15 MR. GROSSMAN: Assuming you didn't come here just  
16 so you could tell your wife you were an expert.

17 THE WITNESS: And my children.

18 MR. GROSSMAN: Right.

19 THE WITNESS: So the approach to the addition of  
20 the building is to make it compatible with the existing  
21 architecture. The existing building is brick masonry with a  
22 precast trim around the window openings and the door  
23 openings. So we are treating the addition in the same way.

24 So to this, to the east side, you will see the  
25 two-story building in brick with precast trim around the

1 window openings. At the entrance will be metal and glass  
2 store front in the large classroom space on the second  
3 floor, and then some precast stone panels that will match  
4 the existing precast trim around the existing windows.

5 This next elevation is the existing elevation  
6 along Forest Glen, and then the elevation along Omaha. And  
7 from there you see in the background the new two-story  
8 addition on the parking lot side of the building.

9 MR. GROSSMAN: And this next elevation is Exhibit,  
10 which exhibit? No, the one you were just, that you just  
11 were --

12 THE WITNESS: This I think is Exhibit L, 4L.

13 MR. GROSSMAN: Okay.

14 THE WITNESS: All right. Now, this is going to be  
15 Exhibit --

16 MR. GROSSMAN: Yes, make sure you are accurate on  
17 this, because we want the record to correctly reflect what  
18 you are pointing at.

19 THE WITNESS: Okay. This is Exhibit 40.

20 MR. GROSSMAN: Okay.

21 THE WITNESS: Right. And this is the phase three  
22 perspective rendering. And what you see is identical to  
23 phase two, with the exception that we've added a second  
24 story addition along the Omaha Beach side of the building.  
25 And that addition is going to be consistent with the phase

1 two addition, metal and glass storefront for the windows,  
2 and then precast concrete panels at the wall surfaces.

3 MR. GROSSMAN: All right. Are those materials  
4 compatible with the surrounding area?

5 THE WITNESS: They are. The surrounding area of  
6 the houses are predominantly brick. And obviously this is  
7 an institutional building, so I think the glass and the  
8 metal is compatible with what you see at Holy Cross  
9 Hospital, for example. And then, as I noted, the precast  
10 was chosen to be compatible with the existing trim on the  
11 building.

12 And then this last rendering is Exhibit 4P. And  
13 this is the phase three perspective rendering from the  
14 corner at Forest Glen and Omaha showing the existing  
15 elevation along Forest Glen, and what the new second floor  
16 addition facing Omaha Beach Drive.

17 BY MR. KLINE:

18 Q Are you aware there has been an issue with the  
19 height of the building that has come up?

20 A Yes, that's correct.

21 Q And I know you've done a lot of calculations --

22 A Yes.

23 Q -- and analyses yourself. Explain to us,  
24 basically, how we were able to proffer that the building  
25 would meet the height limits, the limited height limits --

1           A     Right.

2           Q     -- of the residential zone in which it is  
3     located --

4           A     Right.

5           Q     -- using both Park and Planning's theory and our  
6     theory.

7           A     Right.  When the issue first came up, we tried to  
8     understand how the building could have been permitted back  
9     in the late fifties under the zoning code, which was  
10    basically consistent, more or less consistent with what it  
11    is now.

12                     And at first we looked at Forest Glen.  And there  
13    is language in the code that talks about a building that's  
14    on a terrace.  And when we measured along Forest Glen, and  
15    took into account the terrace, we have a building height of  
16    about 44.4 feet.  And we realized, well, that didn't meet  
17    the zoning requirement at the time.  So we --

18                     MR. GROSSMAN:  Which was 35 feet?

19                     THE WITNESS:  35 feet.  That's correct.  So we  
20    came around and looked at Omaha Beach Drive.  And Jody's  
21    firm, Mr. Kline's firm did a lot of research into what was  
22    in place relative to streets and relationships at the time  
23    the building was constructed.

24                     And on documents relating to the transfer of the  
25    land from Park and Planning to the Boys and Girls Club at

1 the time, Omaha was shown as what appeared to be a dedicated  
2 street. And it was cited in all of the legal descriptions  
3 of the property.

4           When we did an analysis of the building height  
5 along Omaha for the existing building, we were able to  
6 determine that the way that's measured is at the mid-point  
7 of the elevation along that elevation. And in this case,  
8 because it's a curved roof, it can be measured to the mid-  
9 point of the slope of the roof, whether it's a gable or a  
10 mantle or so on and so forth.

11           And under that scenario, the existing building  
12 meets the requirement. It's that midpoint is slightly under  
13 35 feet. So that told us that that was the likely scenario  
14 under which the existing building was permitted.

15           So then we looked at our future development, both  
16 the phase two and the phase three, and of course the  
17 elevation is longer along Omaha than it is currently, once  
18 we add onto the side of the building. And once we do that  
19 calculation, again, from the midpoint, we are within that 35  
20 foot height requirement that the zoning code sets out.

21           MR. GROSSMAN: So do you professionally conclude  
22 that the existing and proposed additions to the building  
23 will meet the height requirements of the zoning ordinance?

24           THE WITNESS: Yes.

25           MR. GROSSMAN: All right.

1           MR. KLINE: Mr. Grossman, what I provided to you  
2 was a letter from, that I prepared and submitted to  
3 Department of Permitting Services and it was countersigned  
4 by Mr. Niblock, which basically provides the history that  
5 Mr. Wheeler provided to you. And the Department has  
6 indicated in a closing certification at the end, that at the  
7 future it will treat Beattie Drive or Omaha Beach Drive, I  
8 don't know which you want to call it, as a public street for  
9 purposes of calculating the height of this building on this  
10 property, although it has never been dedicated.

11           MR. GROSSMAN: I'm sorry, you call it Omaha Beach  
12 Drive, and what was the other thing you called it?

13           MR. KLINE: Beattie, B-E-A-T-T-I-E. The zoning  
14 vicinity map actually has a different name for it now.

15           MR. GROSSMAN: So Omaha Beach Drive is also called  
16 Beattie Drive?

17           MR. KLINE: Correct.

18           MR. GROSSMAN: Which is the newer name?

19           MR. KLINE: Beattie is the newer, though it is a  
20 road to nowhere.

21           MR. GROSSMAN: Okay. And so Exhibit 31 is your  
22 letter, so Kline letter of 12/14/11 to DPS regarding  
23 building height. And DPS, that's David Niblock's sign off  
24 agreeing to use Beattie Drive to calculate height. I just,  
25 I mean, is that an unusual way to go about height

1 calculation to use a street such as Beattie Drive to be the  
2 location from which you would calculate height?

3 (Exhibit No. 31 was  
4 marked for identification.)

5 MR. KLINE: Well, the ordinance talks about the  
6 front of the building.

7 MR. GROSSMAN: Yes.

8 MR. KLINE: And even though the building is  
9 addressed on Forest Glen Road, the functioning front of the  
10 building has always been Beattie Drive. This, of course, is  
11 the phase three rendering, which is Exhibit 4P that I'm  
12 pointing to.

13 Here we've taken the entrance out, but through the  
14 life of the building, Beattie Drive has served as the front  
15 of the building. And so that's the theory, based on the  
16 information that we were able to gather.

17 MR. GROSSMAN: So once you take the front out of  
18 the building on Beattie Drive, then why would you calculate  
19 height from Beattie Drive as opposed to Forest Glen, if  
20 that's where the front will be?

21 MR. KAUFMAN: Let me clarify that the front will  
22 not be on --

23 MR. GROSSMAN: Well, you really, Mr. Kaufman,  
24 don't call out.

25 MR. KAUFMAN: Sorry.

1           THE WITNESS: Yes. Well, the new front of the  
2 building is going to be along the east, the east side of the  
3 building. Actually, the new front is going to be the  
4 northern corner of the building. So I think just trying to  
5 relate the calculation to what we think happened  
6 historically, that's why we've used Beattie Drive. That's  
7 frankly the worst case scenario.

8           If we were to look at what's going to be the new  
9 entrance up here at the northeast corner, and look at that  
10 east elevation, we are well within the height requirements  
11 along there.

12          MR. GROSSMAN: I see.

13          MR. KLINE: And may I had -- I'm sorry. Go ahead.

14          MR. GROSSMAN: And would you just be looking at  
15 that east elevation or was that taking into account the  
16 whole building?

17          THE WITNESS: It's just the facade where the  
18 entrance is located, what they call the front of the  
19 building.

20          MR. GROSSMAN: So that's all they look at for the  
21 height measurement?

22          THE WITNESS: That's correct. Along the front,  
23 what they call the front.

24          MR. GROSSMAN: You're telling me that you can  
25 build a building that meets the height requirement at the



1 front, and then have a 1,000 foot building in the back, and  
2 it would meet the height requirements?

3 THE WITNESS: That's a good question. I think,  
4 I'm not an expert in interpreting the zoning code. But what  
5 that implies is that the grade would fall away. I don't  
6 know what the condition would be behind. But the way the  
7 zoning code reads is, the height calculation is made at the  
8 front of the building.

9 MR. GROSSMAN: Mr. Kline, you wanted to add  
10 something?

11 MR. KLINE: Well, only that you were, it actually  
12 went back to your comment about, where is the front door.  
13 And the front door is sort of irrelevant to the zoning  
14 ordinance definition. Front, I'm sorry, height is measured  
15 from the front of the building. For a corner lot, it has  
16 two fronts, Forest Glen and Omaha Drive. And the County is  
17 going to treat Omaha as if it was platted. So where you  
18 have the front door really doesn't make any difference.

19 In your example, again, if it was a corner lot,  
20 you'd actually be using the average between the 1,000 feet  
21 and the height requirement to figure out whether you would  
22 meet the zoning ordinance standards, if it was a corner lot.

23 MR. GROSSMAN: And is this a corner lot?

24 MR. KLINE: Department of Permitting Services is  
25 going to treat it as a corner lot because of the history of

1 Omaha Beach Drive.

2 MR. GROSSMAN: And treating it as a corner lot, it  
3 meets the height, it meets, the average meets the height  
4 requirement?

5 MR. KLINE: Yes, on the Omaha Drive side, yes.

6 MR. GROSSMAN: You specify, on the Omaha Drive  
7 side because of the difference in the --

8 MR. KLINE: Well, what I'm saying is, the average  
9 grade as measured from here to the mid-point of the roof --

10 MR. GROSSMAN: Yes.

11 MR. KLINE: -- is not going to be greater than 35  
12 feet.

13 MR. GROSSMAN: All right. All right.

14 MR. KLINE: We could probably, and it would  
15 probably be helpful if we had actually kind of given you a  
16 cube to show you how high up this could actually go to meet  
17 that standard. If this was level, then it would be real  
18 easy. We would just measure to 35, but because it's the  
19 average grade along the facade of the building.

20 MR. GROSSMAN: All right. Mr. Wheeler, do you  
21 adopt with Mr. Kline just testified to?

22 THE WITNESS: I do.

23 MR. GROSSMAN: Okay. All right. I'm satisfied  
24 based on Mr. Wheeler's expertise and testimony to this  
25 effect.

1           MR. KLINE: When you go to check me, don't be  
2 confused, because in building height, there are actually two  
3 definitions. One, Mr. Berliner put in the ordinance when he  
4 did the McMansion legislation for the R-60 and R-90 zones  
5 which we're located in, but those are only for residential  
6 houses. There's a separate one, the classic one that is the  
7 more common one. And that's the one that applies in this  
8 case.

9           MR. GROSSMAN: All right, sir. I appreciate --

10          MR. KLINE: Sure.

11          MR. GROSSMAN: -- the caveat.

12          MR. KLINE: Yes.

13          MR. GROSSMAN: Because you're right, I could have  
14 made that mistake.

15          MR. KLINE: Well, no, as a matter of fact, we were  
16 talking about it earlier, and that's why Tom mentioned that.  
17 And that is a much more restrictive definition of height.

18          MR. GROSSMAN: All right. Thank you.

19          BY MR. KLINE:

20          Q     We were talking about the lighting fixtures --

21          A     Yes.

22          Q     -- down on that back side of the building. And I  
23 don't know if you want to do this off the site plan or off  
24 an elevation, but would you show us where the lights are  
25 going to go, what fixtures you're contemplating?

1           A       Sure. This is Exhibit 29A. And this is the  
2 special exception site plan, phase one only. And  
3 currently --

4           MR. GROSSMAN: No, you mean 27A.

5           MR. KLINE: Yes.

6           THE WITNESS: What did I say?

7           MR. KLINE: I didn't write it as neatly as an  
8 architect would have. It's actually 27A.

9           MR. GROSSMAN: Right.

10           THE WITNESS: 27A. Thank you. At the, let's see,  
11 I guess it's the southwestern corner of the building, the  
12 pool is here on the southern side, and there's a walkway  
13 that brings you from the parking lot around to the field in  
14 the back. And there is a wooden stair that Ms. Kamen was  
15 concerned about lighting for.

16                   And so we're proposing to install a building  
17 mounted light here at what would be the southeast corner of  
18 the building that will shine down and illuminate this stair  
19 at that location. And then when we do the phase two work,  
20 of course, the pool will come out, the stair will come out,  
21 and we'll have other lighting that will address that.

22           MR. GROSSMAN: All right. So that's the  
23 additional lighting that you're talking about that will be  
24 reflected in the amended --

25           MR. KLINE: We'll put it on the site plan for you,

1 and we'll put a fixture type on there so that you know for  
2 sure.

3 MR. GROSSMAN: All right.

4 MR. KLINE: And as I say, it's an interim use.  
5 The photometric plan basically covers the end state, and we  
6 know we meet all those, but this kind of tripped us up on  
7 the interim term.

8 MR. GROSSMAN: All right.

9 BY MR. KLINE:

10 Q Mr. Wheeler, kind of putting us on the big wrap up  
11 here, is the building, in your opinion, not compatible, but  
12 in harmony with the surrounding character, from a design  
13 perspective, of the surrounding neighborhood?

14 A Yes.

15 Q Okay. Can you elaborate on that? Why do you say  
16 that?

17 A I say that because, as I've described earlier,  
18 we're proposing materials that are consistent with a palette  
19 of the area, extending the brick masonry on the building.  
20 We'll work with local brick vendors to secure a matching  
21 brick for that.

22 The additional materials, this precast concrete  
23 are already in the building, so we'll extend that and use  
24 that on the addition. And then the introduction of the  
25 aluminum and glass window systems is consistent with other

1 institutional buildings in the area, such as Holy Cross  
2 Hospital.

3 Q And is that really more of the character of the  
4 neighborhood given what you see on Exhibit 10, more  
5 institutional uses surrounding it, than residential uses?

6 A Well, certainly it's predominantly residential  
7 around it. But just like with the hospital, very often you  
8 see institutional buildings in those types of contexts. So  
9 while they are different, you can work to make them  
10 compatible through the use of materials, controlling height,  
11 things like that.

12 MR. KLINE: That's my wrap up argument. I have no  
13 further questions of Mr. Wheeler.

14 MR. GROSSMAN: Okay. Mr. Meininger, do you have  
15 any questions of Mr. Wheeler?

16 MR. MEININGER: Yes, sir. I have one question.

17 MR. GROSSMAN: All right. Come forward, please,  
18 to the table, where you can be heard by the microphone.

19 CROSS-EXAMINATION

20 BY MR. MEININGER:

21 Q Mr. Wheeler, will you designate whether the new  
22 entrance to the building will be facing Forest Glen, or will  
23 be what is now the swimming pool end of the building?

24 A Well, there is the primary entrance of the kids  
25 entering and exiting the school will be on the, basically

1 the northeast corner, near the pool.

2 We are creating a new entrance facing Forest  
3 Glen, and that, I think is going to serve mainly for kids  
4 coming in and out of the school, going down to the play  
5 field, to give them some access. So that way, because  
6 currently when you look at the floor plan of the building,  
7 there are doors facing the play field to the south, but, or  
8 to the west, but obviously those are classroom doors.

9 So we need a new entrance to be able to get the  
10 kids in and out of the building conveniently. So we're  
11 going to place that one on Forest Glen.

12 In phase two and three, that entrance will remain  
13 to get play field access, but again, the main entrance of  
14 the school will remain at that northeast corner there,  
15 basically on the parking lot side and away from Forest Glen.

16 MR. MEININGER: Thank you, Mr. Wheeler. That's  
17 all.

18 MR. GROSSMAN: Okay. Any redirect as a result of  
19 Mr. Meininger's question.

20 REDIRECT EXAMINATION

21 BY MR. KLINE:

22 Q Only, you mentioned northeast facing the pool. I  
23 probably would call that southeast.

24 A Southeast.

25 Q Southeast. That's all.

1                   MR. GROSSMAN: All right. Any recross based on  
2 that clarification, Mr. Meininger?

3                   MR. MEININGER: No. That's why I used Forest Glen  
4 and the swimming pool.

5                   MR. KLINE: Yes, right.

6                   MR. GROSSMAN: All right. Thank you, sir.

7                   MR. KLINE: I have no further questions of  
8 Mr. Wheeler.

9                   MR. GROSSMAN: All right. I don't think I do  
10 either. Thank you, Mr. Wheeler, and congratulations --

11                   MR. WHEELER: Thank you.

12                   MR. GROSSMAN: -- initiation to the field of  
13 expertise, well, not the field, but the testifying part of  
14 expertise. How is that? All right. That concludes your  
15 witnesses?

16                   MR. KLINE: It does, Mr. Grossman.

17                   MR. GROSSMAN: All right. And do you have any  
18 additional exhibits? Well, I know you have the affidavit of  
19 posting, which you said you --

20                   MR. KLINE: I will still provide you. And that  
21 will be here by 1:00 probably.

22                   MR. GROSSMAN: -- will provide. All right.

23                   MR. KLINE: Well, maybe not. 2 o'clock.

24                   MR. GROSSMAN: All right. So I presume you wish  
25 all the exhibits and their sub-parts to be in evidence?



25 (Discussion off the record.)

1           MR. KLINE: Thank you, Mr. Grossman.

2           MR. GROSSMAN: Sure.

3           MR. KLINE: We have two things to do. One is part  
4 of the narrative, the amended statement of operations and  
5 the traffic management plan. I'll have them in the client's  
6 hands literally today. They will want to talk to their  
7 neighbors and everything. But I think that that and the  
8 graphic materials requirement can be submitted to you by  
9 Tuesday of next week.

10          MR. GROSSMAN: All right. But let's be realistic,  
11 because what we said at this public hearing and announce at  
12 the public hearing I can't change without actually issuing  
13 an order that has to go out to people, which is a more  
14 complicated thing. So make sure you give yourself enough  
15 time to actually get it in.

16          MR. KLINE: Well, I was going to put some pressure  
17 on Mr. Meininger. Did he leave, though?

18          UNIDENTIFIED SPEAKER: He'll be back.

19          MR. KLINE: Okay, because frankly, I know of all  
20 the stuff we can draw, we can do it within that time frame,  
21 but whatever coordination occurs with him, I guess is, we  
22 need to wait until he comes back.

23          MR. GROSSMAN: All right.

24          MR. KLINE: But I'd like to think that he would  
25 probably is interested in trying to wrap this up quickly,

1   also.  So I think Tuesday is still probably a reasonable  
2   time frame for us to deliver everything.

3               MR. GROSSMAN:  Okay.  Let me get a calendar here.

4               MR. KLINE:  And that would all be simultaneously  
5   transmitted to Ms. Kamen who --

6               MR. GROSSMAN:  Right.

7               MR. KLINE:  -- as you know is very diligent in  
8   getting stuff done.

9               MR. GROSSMAN:  Indeed.  But she, for the  
10   transportation management plan, will have to go to the  
11   transportation division to have them review it.  So I'm not  
12   sure.  Somewhere in here I have  2012 calendar.  Okay.  All  
13   right.  So next Tuesday will be the 10th.  I don't see  
14   Mr. Meininger back here yet.  Shall we say January 11, which  
15   is the Wednesday.  There he is.

16              MR. KLINE:  You've become the man of the hour.  
17   May I?

18              MR. GROSSMAN:  Certainly.

19              MR. KLINE:  Mr. Meininger, why don't you come on  
20   up here.

21              MR. GROSSMAN:  We need to set some dates by when  
22   things are going to be in, in order to -- and we have to  
23   give, once the revised plans and the transportation  
24   management plan and the revised statement of operations are  
25   all in, we then have to give technical staff 15 days, and

1 the public 15 days for any commentary. So we're trying to  
2 figure out a date by which you all can get together to agree  
3 on the transportation management plan and statement of  
4 operations.

5 MR. KLINE: And what I proffered to the hearing  
6 examiner was that the transportation management plan and the  
7 amended statement of operations, probably not too important  
8 to you, could be done this afternoon. So I can transmit to  
9 my clients today something that they could share with you  
10 over the weekend?

11 MR. MEININGER: I'm available.

12 MR. KLINE: Okay. And what I had told  
13 Mr. Grossman is, I thought we would have everything ready  
14 to be submitted next Tuesday, if you felt you could  
15 coordinate with Mr. Kaufman by that time. Is that too much  
16 of a pressure on you?

17 MR. MEININGER: No, sir, it's not.

18 MR. KLINE: Okay. Then I would say Tuesday then.

19 MR. GROSSMAN: All right.

20 MR. KLINE: Thank you.

21 MR. GROSSMAN: The reason I said to leave enough  
22 time is because once I announce it at the public hearing, I  
23 can't change it just by a telephone call. I have to issue  
24 an order. So I want to make sure that we have enough time  
25 to do that. So we're all locked in.

1           So by January 10 all the additional submissions  
2   and revisions, and don't forget my electronic copies --

3           MR. KLINE:   Yes, sir.

4           MR. GROSSMAN:  -- of all of those in Word for the  
5   text documents and in PDF format for the plan changes.  And  
6   then counting 15 days from that would take us to January 25.  
7   And --

8           MR. KLINE:  And I don't need any extra time to  
9   look at anything myself.

10          MR. GROSSMAN:  This is a first, will be the first  
11   time this transportation management plan is out, so you  
12   could get some inquiries from the public.  Are you sure you  
13   don't want a couple of days to respond before the record  
14   closes?

15          MR. KLINE:  Well, given that we're going to be  
16   sharing it with Mr. Meininger in advance of our submitting  
17   it to you, I am inclined to think he's not likely to say  
18   anything after the fact.  I don't want to speak for you, but  
19   if I get it right the first time, he probably won't have any  
20   complaints the second time.

21          MR. GROSSMAN:  Well, he's not the only member of  
22   the public.

23          MR. KLINE:  Well no, that's true.  That's true.  
24   Yes.

25          MR. GROSSMAN:  It will have access to anybody.  But

1 I'll close the record on January 25 if that's what you want.

2 MR. KLINE: You've seen the tenor of the hearing.

3 MR. GROSSMAN: Yes, I understand.

4 MR. KLINE: I just don't think there's going to be  
5 any objections, because what we are doing is tightening up  
6 all the things we've been telling people we're going to be  
7 doing.

8 MR. GROSSMAN: So I'm assuming that staff can do  
9 their review of these things within the 15-day period.

10 MR. KLINE: I'm not aware of Ms. Kamen having  
11 something on the Planning Board on like the 12th or  
12 something like that. She was relieved to get this off her  
13 desk to move onto other things. So she's very diligent and  
14 I will talk to her and make sure she can get it done in  
15 time.

16 MR. GROSSMAN: All right. So the dates we have  
17 will be January 10, 2012, for the updated plans, the site  
18 plan, lighting plan, landscape plan, and for submission of a  
19 transportation management plan and a revised statement of  
20 operations which will include specificity as to the events  
21 that may create parking, additional parking demands and  
22 traffic demands on the community. And that will all be  
23 submitted by close of business on January 10, 2012, both to  
24 staff and to our public file for public inspection.

25 And then 15 days later, there will be 15 days of

1 open for public comments on these new plans and documents,  
2 and the record will close on January 25, 2012. Please,  
3 since you are going to be talking to Ms. Kamen, also ask  
4 her, I would like something from her, it can be in e-mail  
5 format and she should copy you as well, indicating her  
6 review of these plans, revised plans, and the transportation  
7 management plan, and the statement of operations.

8 MR. KLINE: Yes, sir.

9 MR. GROSSMAN: Okay. And my report is due 30 days  
10 after the record closes. Then it goes to the Board of  
11 Appeals. You have 10 days after I, from the time issue my  
12 report, you get notice. You will get a direct notice,  
13 Mr. Meininger, of the report and the website address. The  
14 full report will be on the website so you can look over the  
15 full report. You have 10 days thereafter to request oral  
16 argument, if you wish to, before the Board of Appeals. The  
17 Board of Appeals sets a hearing date. It's not really a  
18 hearing. It's at their worksession.

19 They then, they don't take any additional  
20 evidence. All the evidence is from the record that is  
21 compiled here. And they sometimes allow oral argument,  
22 sometimes not. And at the worksession, they then vote on  
23 whether or not to approve the recommendation of the hearing  
24 examiner or to modify it if they wish to.

25 And then when the, usually in three or four weeks

1 after that, a formal resolution comes out from the Board of  
2 Appeals. That's the usual program. All right. Is there  
3 anything further that we need to address?

4 MR. KLINE: No. Thank you very much.

5 MR. GROSSMAN: Thank you all. You have a great  
6 weekend. It is Friday, isn't it Mr. Kline? Thank you.  
7 Don't forget to leave the plans that we did introduce here.

8 MR. KLINE: Yes, sir.

9 (Whereupon, at 1:03 p.m., the hearing was  
10 concluded.)

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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that  
the attached pages represent an accurate transcript of the  
electronic sound recording of the proceedings before the  
Office of Zoning and Administrative Hearings for Montgomery  
County in the matter of:

Petition of Siena Learning, LLC

Special Exception No. S-2822

OZAH No. 12-11

By:

A handwritten signature in black ink, reading "Teresa S. Hinds". The signature is written in a cursive, flowing style with a large initial 'T' and 'H'.

Teresa S. Hinds, Transcriber